

## February 10, 2020 – City Council Regular Meeting – 7:00 p.m.



City Council Chamber  
390 Towne Centre Drive  
Lathrop, California  
(209) 941-7200  
[www.ci.lathrop.ca.us](http://www.ci.lathrop.ca.us)

### City Council

Sonny Dhaliwal, Mayor  
Martha Salcedo, Vice Mayor  
Paul Akinjo  
Diane Lazard  
Jennifer Torres-O'Callaghan

### City Staff

Stephen Salvatore, City Manager  
Salvador Navarrete, City Attorney  
Teresa Vargas, City Clerk  
Glenn Gebhardt, City Engineer  
Michael King, Public Works Director  
Cari James, Finance & Administrative  
Services Director  
Mark Meissner, Community  
Development Director  
Zachary Jones, Parks & Recreation  
Director  
Ryan Biedermann, Chief of Police

### General Order of Business

1. Preliminary
  - Call to Order
  - Closed Session
  - Roll Call
  - Invocation
  - Pledge of Allegiance
  - Announcements by Mayor/City Mgr.
  - Informational Items
  - Declaration of Conflict of Interest
2. Presentations
3. Citizen's Forum
4. Consent Calendar
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Referrals and Reports from Commissions and Committees
  - All Other Staff Reports and/or Action Items
  - Study Sessions
6. Council Communications
7. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested residents, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or interested resident so requests, in which case the item will be removed from the Consent Calendar and considered separately.



**February 10, 2020 – Regular Meeting Agenda – 7:00 p.m.**



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## Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Purple speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name and address. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker form). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said. If you challenge the nature of a proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

## Citizen's Forum

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Citizen's Forum section. Please submit your purple speaker card to the City Clerk prior to the commencement of Citizen's Forum. **Only those who have submitted speaker cards, or have expressed an interest to speak, prior to the conclusion of Citizen's Forum will be called upon to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker form) and each speaker may only speak once on this agenda item.

**To leave a voice message for the Mayor and all Councilmembers simultaneously, dial (209) 941-7220. To send an e-mail for the Mayor and all Councilmembers simultaneously, [citycouncil@ci.lathrop.ca.us](mailto:citycouncil@ci.lathrop.ca.us)**

**This City Council Agenda may be accessed by computer or any smart device at the following Worldwide Web Address: [www.ci.lathrop.ca.us](http://www.ci.lathrop.ca.us) LIVE STREAMING & CLOSED CAPTIONING – Available, please visit the City Council Webpage or use the following URL <https://www.ci.lathrop.ca.us/citycouncil/page/live-stream>**

## Information

Copies of the Agenda are available in the lobby at the Lathrop City Hall, 390 Towne Centre Drive, Lathrop, on Thursday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available for review in the City Clerk's Office. This agenda was posted at the following locations: City Hall, Community Center, Generations Center, Senior Center, and the Lathrop-Manteca Fire District "J" Street and Somerston Parkway Offices. The meetings of the Lathrop City Council are broadcast on Lathrop Comcast Cable Television Channel 97.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility and/or accommodations to this meeting. [28 CFR 35.102-35.104 ADA Title II] Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (209) 941-7230.

Information about the City or items scheduled on the Agenda may be referred to:

Address: City of Lathrop City Clerk  
390 Towne Centre Drive, Lathrop, CA 95330  
Telephone: (209) 941-7230

*Your interest in the conduct of your City's business is appreciated.*

**CITY OF LATHROP  
CITY COUNCIL REGULAR MEETING  
MONDAY, FEBRUARY 10, 2020  
7:00 P.M.  
COUNCIL CHAMBER, CITY HALL  
390 Towne Centre Drive  
Lathrop, CA 95330**

**AGENDA**

**PLEASE NOTE: There will be a Closed Session commencing at 6:00 p.m. The Regular Meeting will reconvene at 7:00 p.m., or immediately following the Closed Session, whichever is later.**

**1. PRELIMINARY**

1.1 CALL TO ORDER

1.2 CLOSED SESSION

- 1.2.1 CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation -  
Significant Exposure to Litigation Pursuant to Government Code  
Section 54956.9(b)
- 3 Potential Case(s)

**RECONVENE**

1.2.2 REPORT FROM CLOSED SESSION

1.3 ROLL CALL

1.4 INVOCATION

1.5 PLEDGE OF ALLEGIANCE

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

**2. PRESENTATIONS - None**

**3. CITIZEN'S FORUM**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under Citizen's Forum. Please submit a purple speaker card to the City Clerk prior to the commencement of Citizen's Forum. Only those who have submitted speaker cards, or have expressed an interest to speak, prior to the conclusion of Citizen's Forum will be called upon to speak. Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements.

The City Council can, however, allow its members or staff to briefly (no more than five (5) minutes) respond to statements made, to ask questions for clarification, make a brief announcement or report on his or her own activities. (See California Government Code Section 54954.2(a)). Unless directed otherwise by a majority of the City Council, all questions asked and not answered at the meeting will be responded to in writing within 10 business days. ALL PUBLIC COMMENTS MUST BE MADE IN COMPLIANCE WITH THE LATHROP CITY COUNCIL HANDBOOK OF RULES AND PROCEDURES!!

#### **4. CONSENT CALENDAR**

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless the Mayor, Councilmember, or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately.

- 4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS  
Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading of Title Only, Unless Otherwise Requested by the Mayor or a Councilmember
- 4.2 APPROVAL OF MINUTES  
Approve Minutes for the Regular Council Meeting of January 13, 2020
- 4.3 2020 ONE VOICE TRIP PROJECT NOMINATIONS  
Adopt Resolution Approving Staff Recommended Project Nominations for the 2020 San Joaquin One Voice Trip
- 4.4 APPROVE UPDATE TO POLICY TO GUIDE STAFF INTERPRETATION OF DEVELOPMENT IMPACT FEES AS THEY RELATE TO ACCESSORY DWELLING UNITS TO CONFORM TO STATE LAW  
Adopt Resolution Approving an Update to a Policy to Guide Staff Interpretation of Development Impact Fees as They Relate to Accessory Dwelling Units to Conform to State Law
- 4.5 RESCIND INITIAL REJECTION OF LOTS, ROADWAYS AND EASEMENTS IN FINAL MAPS FOR TRACT 3789 AND TRACT 3533 AND ACCEPT LOTS, ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF IMPROVEMENTS AT A LATER DATE IN THE CLSP AREA  
Adopt Resolution Rescinding Initial Rejection of Lots, Roadways and Easements in Final Maps for Tract 3789 and Tract 3533, and Accepting Lots, Roadways and Easements Upon Acceptance of Improvements at a Later Date in The Central Lathrop Specific Plan (CLSP) Area

#### ***RIVER ISLANDS CONSENT ITEM(S)***

- 4.6 APPROVE TASK ORDER NO. 3 AND TASK ORDER NO. 4 FOR ASCENT ENVIRONMENTAL, INC. TO PREPARE A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, AND TO UPDATE THE WEST LATHROP SPECIFIC PLAN, AND RIVER ISLANDS URBAN DESIGN CONCEPT FOR THE RIVER ISLANDS PHASE 2 PROJECT

Adopt a Resolution Approving Task Order No. 3 and Task Order No. 4 for Ascent Environmental, Inc. to Prepare a Subsequent Environmental Impact Report, and Updates to the West Lathrop Specific Plan and River Islands Urban Design Concept to Support the River Islands Phase 2 Project

## **5. SCHEDULED ITEMS**

### **5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME FUNDING ALLOCATIONS FOR FISCAL YEAR 2020-2021**

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt Resolution Recommending the Allocation of the CDBG and HOME Funds for Fiscal Year 2020-2021

### **5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN AMENDMENT TO TITLE 3, CHAPTER 3.20, SECTION 3.20.070(A), AMOUNT TO BE PAID AND TIMING OF PAYMENT, OF THE LATHROP MUNICIPAL CODE TO ELIMINATE THE OPTION OF CAPITAL FACILITY FEE DEFERRAL FOR RESIDENTIAL DEVELOPMENTS UNTIL OCCUPANCY IN PLACE OF ESTABLISHING A FEE DEFERRAL PROGRAM BY RESOLUTION AND APPROVAL OF A CAPITAL FACILITY FEE DEFERRAL PROGRAM BY RESOLUTION**

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Introduction and First Reading of an Ordinance Amendment to Section 3.20.070, Amount to be Paid and Timing of Payment, of the City of Lathrop Municipal Code; and
3. Adoption of a Resolution Approving a Capital Facility Fee Deferral Program

## **6. COUNCIL COMMUNICATIONS**

### **6.1 MAYOR DHALI WAL REFERRAL - Appointment of One (1) Member to the Measure C Oversight Advisory Committee with Term Expiring June 30, 2022**

- One (1) Application Received

### **6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)**

- *Central Valley Executive Committee/LOCC (Akinjo/Salcedo)*
- *Council of Governments (Dhaliwal/Lazard)*
- *Integrated Waste Management Solid Waste Division (Akinjo/Torres-O'Callaghan)*
- *Reclamation District 17 Joint Powers Authority (Salvatore)*
- *San Joaquin Partnership Board of Directors (Salvatore)*
- *San Joaquin County Commission on Aging (Zavala)*
- *San Joaquin Valley Air Pollution Control District (Akinjo/Dhaliwal)*
- *Water Advisory Board (Torres-O'Callaghan/Lazard)*
- *Tri Valley-San Joaquin Valley Regional Rail Authority (Akinjo)*
- *San Joaquin Area Flood Control Agency (Akinjo & Lazard)*

### **6.3 MAYOR & COUNCILMEMBER COMMENT(S)**

## **7. ADJOURNMENT**

  
Teresa Vargas, CMC, City Clerk

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**CITY OF LATHROP  
CITY COUNCIL REGULAR MEETING  
MONDAY, JANUARY 13, 2020  
7:00 P.M.  
COUNCIL CHAMBER, CITY HALL  
390 Towne Centre Drive  
Lathrop, CA 95330**

**MINUTES**

**PLEASE NOTE: There was a Closed Session which commenced at 6:01 p.m. The Regular Meeting reconvened at 7:02 p.m.**

**1. PRELIMINARY**

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:01 p.m.

1.2 CLOSED SESSION

1.2.1 CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation - Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)

- 3 Potential Case(s)

1.2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8  
Property: APNs 192-040-34 and 192-040-36 (Addresses Not Available)  
Agency Negotiator: Stephen Salvatore, City Manager  
Negotiating Parties: Lathrop Land Acquisition, LLC  
Under Negotiation: Price and Terms of Negotiations

1.2.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8  
Property: 99 River Islands Parkway / APN 192-040-45  
Agency Negotiator: Stephen Salvatore, City Manager  
Negotiating Parties: Muhammad Bilal & Assim Ashraf Ali  
Under Negotiation: Price and Terms of Negotiations

**RECONVENE** – Mayor Dhaliwal reconvened the meeting at 7:02 p.m.

1.2.4 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that direction was provided to staff in regards to Item 1.2; no other reportable action was taken.

1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Salcedo; and Councilmember Torres-O'Callaghan

Absent: Councilmembers Akinjo and Lazard

- 1.4 INVOCATION – Mayor Dhaliwal led a moment of silence.
- 1.5 PLEDGE OF ALLEGIANCE – Vice Mayor Salcedo led the pledge of allegiance.
- 1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER - None
- 1.7 INFORMATIONAL ITEM(S) – None
- 1.8 DECLARATION OF CONFLICT(S) OF INTEREST - None

## **2. PRESENTATIONS**

### **2.1 ECONOMIC DEVELOPMENT UPDATE**

Economic Development Administrator Shelley Burcham provided a presentation regarding economic development activity during the 4<sup>th</sup> quarter of 2019.

## **3. CITIZEN'S FORUM**

Nellie Zavala (Commission on Aging) reported her attendance to the San Joaquin County Commission on Aging meeting held January 6, 2020; provided information regarding the Osher Lifelong Learning Institute at University of the Pacific, a non-profit education program designed for people ages 50+ and open to all adult learners. Joe Freer (Lathrop, CA) stated he lives near Lathrop Elementary School; expressed concern with vehicles parking and blocking his driveway during school hours. Jacob Friesen (Lathrop, CA) expressed concern with the fixed wastewater charges on utility bills and requested information on what the funds are used for.

## **4. CONSENT CALENDAR**

On a motion by Councilmember Vice Mayor Salcedo, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar, by the following roll call vote, unless otherwise indicated:

Ayes: Salcedo, Torres-O'Callaghan and Dhaliwal  
Noes: None  
Absent: Akinjo and Lazard  
Abstain: None

### **4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS**

Waived the reading in full of ordinances and resolutions on agenda and adopt by reading of title only, unless otherwise requested by the Mayor or a Councilmember.

### **4.2 APPROVAL OF MINUTES**

Approved Minutes for the Regular Council Meeting of December 9, 2019.



4.3 SECOND READING AND ADOPTION OF ORDINANCE 20-411 CONSIDER MUNICIPAL CODE TEXT AMENDMENT TA-19-141

Waived full reading, read by title only, and adopted **Ordinance 20-411** amending the Zoning Code, Title 17 of the Lathrop Municipal Code, to implement the housing element of the general plan. The amendments to the municipal code include the following:

- Sections 17.36.020 And 17.62.032, and Table 17.61.1 are Revised to Limit Development of Single Family Units on Sites Designated for High Density Residential Uses
- Section 17.68.010 is Revised to Permit Manufactured Housing in the Same Manner as Single Family Homes
- Section 17.36.050 (D) is Revised to Identify Densities for the RM Zone that are Consistent with the Densities Allowed in the General Plan Land Use Element.

4.4 SECOND READING AND ADOPTION OF ORDINANCE 20-412 TO CONSIDER PROHIBITING PEDESTRIAN USE OF MOBILE ELECTRONIC DEVICES IN CROSSWALKS

Waived full reading, read by title only, and adopted **Ordinance 20-412** amending the Lathrop Municipal Code by adding Chapter 8.48 to Title 8 to prohibit pedestrian use of mobile electronic devices in crosswalks.

4.5 OUT-OF-STATE TRAVEL APPROVAL FOR THE ECONOMIC DEVELOPMENT ADMINISTRATOR TO PARTICIPATE IN TWO SEPARATE TARGET INDUSTRY SPECIFIC CONFERENCES IN MAY 2020

Adopted **Resolution 20-4667** authorizing out-of-state travel for the Economic Development Administrator to attend and represent the City of Lathrop at the Industrial Asset Management Council (IAMC) 2020 Spring Forum in Biloxi, Mississippi from May 2, 2020 to May 6, 2020, and the International Council of Shopping Centers (ICSC) RECON 2020 Conference in Las Vegas, Nevada from May 17, 2020 to May 19, 2020.

4.6 RATIFY THE PURCHASE OF SURVEILLANCE EQUIPMENT FOR CIP GG 19-07 FOR CITYWIDE SURVEILLANCE SYSTEM

Adopted **Resolution 20-4668** ratifying the purchase of surveillance equipment from ICU Technologies, LLC., for CIP GG 19-07 Citywide Surveillance System.

4.7 APPROVE AGREEMENT WITH TYLER TECHNOLOGIES FOR BRAZOS ELECTRONIC CITATION SOFTWARE, HARDWARE, AND IMPLEMENTATION SERVICES

Adopted **Resolution 20-4669** approving:

1. Amendment to the agreement with Tyler Technologies for Brazos E-Citation software, hardware, and implementations services; and
2. Agreement with Tiburon for data integration and services.

- 4.8 REJECT ALL BIDS FOR CIP WW 19-01 WOODFIELD SEWER PUMP STATION UPGRADES AND RE-ADVERTISE FOR BIDS

Adopted **Resolution 20-4670** rejecting all bids for CIP WW 19-01 Woodfield sewer pump station upgrades and authorize staff to re-advertise for bids.

- 4.9 ACCEPT PUBLIC IMPROVEMENTS FOR LATHROP ROAD AND OLD HARLAN ROAD FROM CFT NV DEVELOPMENTS, LLC, OWNER OF PANDA EXPRESS LOCATED AT 15099 OLD HARLAN ROAD AND APPROVE A REIMBURSEMENT AGREEMENT WITH CFT NV DEVELOPMENTS, LLC, FOR GRAVITY SEWER MAIN IN OLD HARLAN ROAD

Adopted **Resolution 20-4671** accepting public improvements for Lathrop Road and Old Harlan Road from CFT NV Developments, LLC, owner of Panda Express located at 15099 Old Harlan Road, and approve a Reimbursement Agreement with CFT NV Developments, LLC, for the Old Harlan Road gravity sewer main.

- 4.10 ACCEPT PUBLIC IMPROVEMENTS FOR CLSP STORM DRAINAGE FORCE MAIN FROM SAYBROOK CLSP, LLC

Adopted **Resolution 20-4672** accepting public improvements from Saybrook CLSP, LLC., for the Central Lathrop Specific Plan storm drainage force main.

- 4.11 CAPITAL FACILITY FEE FUNDS REPORT FOR FY 2018 2019

Reviewed and accepted the Capital Facility Fee Funds Report for Fiscal Year 2018-2019.

- 4.12 ACCEPT VARIOUS OFFSITE PUBLIC IMPROVEMENTS FROM SOUTH LATHROP LAND, LLC

Adopted **Resolution 20-4673** accepting various offsite improvements from South Lathrop Land, LLC., in the South Lathrop Specific Plan Area.

- 4.13 APPROVE CONSTRUCTION CONTRACT AND EQUIPMENT PURCHASE ORDER FOR WATER METER IMPROVEMENTS, AND RELATED BUDGET AMENDMENT

Adopted **Resolution 20-4674** approving Construction Contract with Soracco, Inc. for water meter improvements and service line investigation, pursuant to CIP PW 20-04 Water Meter Improvements and CIP PW 20-05 Lead User Service Lines Replacement, equipment Purchase Order for Badger Meter Inc., and approved related budget amendment.

- 4.14 APPROVE ADDITIONAL FUNDS AND CONTRACT CHANGE ORDER WITH VSS INTERNATIONAL, INC. FOR THE PAVEMENT MAINTENANCE REPAIR PROGRAM CIP PS 18-01 PHASE II

Adopted **Resolution 20-4675** approving additional project funds and Contract Change Order with VSS International, Inc., for the Pavement Maintenance Repair Program, CIP PS 18-01 Phase II.

**5. SCHEDULED ITEMS - None**

**6. COUNCIL COMMUNICATIONS**

6.1 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) - None

6.2 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmembers expressed condolences to the family and co-workers of Correctional Sgt. Cesar Fuentes, with the San Joaquin County Sheriff's Office and thanked those in attendance.

**7. ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 7:23 p.m.

  
Teresa Vargas, CMC  
City Clerk

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**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**

**ITEM:** **2020 ONE VOICE TRIP PROJECT NOMINATIONS**

**RECOMMENDATION:** **Adopt Resolution Approving Staff Recommended Project Nominations for the 2020 San Joaquin One Voice Trip**

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**SUMMARY:**

San Joaquin One Voice is SJCOG's legislative advocacy program for San Joaquin County that promotes issues of regional significance to federal legislators and agencies through an annual advocacy trip to Washington, D.C. The purpose of the program is to advocate for increased funding and/or new or amended legislation for issues and projects of regional significance to the San Joaquin region.

The City received a request from the San Joaquin Council of Governments (SJCOG) to provide them with the City's top two priority projects to be included in the list of projects to be used for the annual One Voice trip to Washington, D.C. in May 2020. Each jurisdiction in the County is allowed to submit two projects, one regional transportation priority project and one local priority project that may be either transportation or non-transportation.

The project submittal forms are due by February 28, 2020; staff will prepare and submit the required forms based on City Council's direction.

Tonight's requested action is for Council to approve staff's recommended choice in projects for nomination, which includes the following two projects:

1. Louise Avenue/I-5 Interchange
2. Lathrop Road/I-5 Interchange

Staff is recommending that the Louise Avenue/I-5 Interchange and the Lathrop Road/I-5 Interchange projects be submitted as the City's two priority projects for federal funding, and requests that Council approve the submittal that will be made to SJCOG on or before February 28, 2020. These are the same projects that Council chose to nominate last year.

**BACKGROUND:**

San Joaquin One Voice is SJCOG's legislative advocacy program for San Joaquin County that promotes issues of regional significance to federal legislators and agencies through an annual advocacy trip to Washington, D.C. The purpose of the program is to advocate for increased funding and/or new or amended legislation for issues and projects of regional significance to the San Joaquin region.

**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING  
2020 ONE VOICE TRIP PROJECT NOMINATIONS**

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The City received a request from SJCOG to provide them with the City's top two priority projects to be included in the list of projects used for the annual One Voice trip to Washington, D.C. in April each year.

Past priority projects for the City included the Lathrop Road Westerly Grade Separation, the Louise Avenue/I-5 Interchange, and the Lathrop Road/I-5 Interchange.

Projects may request a maximum of \$5 million each. The requested amounts for the two interchanges are as follows:

- |                                  |  |
|----------------------------------|--|
| 1. Louise Avenue/I-5 Interchange | \$5.0 million (completes design and a portion of property acquisition) |
| 2. Lathrop Road/I-5 Interchange  | \$5.0 million (completes environmental and design phases)              |

Staff is recommending that the Louise Avenue/I-5 Interchange and Lathrop Road/I-5 Interchange projects be submitted as the City's two priority projects for federal funding, and requests that Council approve the submittal that will be made to SJCOG on or before February 28, 2020. These are the same projects that Council chose to nominate last year.

**REASON FOR RECOMMENDATION:**

Staff recommends that the Louise Avenue/I-5 Interchange improvements be chosen as the regional priority to be submitted, since it is the earliest project in the Capital Facility Fee (CFF) Program that needs to be constructed to accommodate development on the west side. In addition, staff recommends that Lathrop Road/I-5 interchange be chosen as a priority for submittal due to its key role in future development, as well as its inclusion in the CFF Program.

**FISCAL IMPACT:**

The fiscal impact of submitting these projects is negligible. However, a future item will be brought to Council for the travel expenses related to staff and/or Council One Voice trip attendance.

**ATTACHMENTS:**

- A. Resolution Approving Staff Recommended Project Nominations for the 2020 San Joaquin One Voice Trip



**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING  
2020 ONE VOICE TRIP PROJECT NOMINATIONS**

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**APPROVALS:**

  
\_\_\_\_\_  
Michael King  
Director of Public Works

1-24-20  
\_\_\_\_\_  
Date

   
\_\_\_\_\_  
Cari James *FOR U.S.*  
Finance & Administrative  
Services Director

1/24/20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Salvador Navarrete  
City Attorney

1-27-20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore  
City Manager

1.28.20  
\_\_\_\_\_  
Date

**RESOLUTION NO. 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP  
APPROVING STAFF RECOMMENDED PROJECT NOMINATIONS FOR THE 2020  
SAN JOAQUIN ONE VOICE TRIP**

**WHEREAS**, the San Joaquin Council of Governments (SJCOG) performs an annual One Voice trip to Washington, D.C., to request federal fund appropriations for local and regional priority projects; and

**WHEREAS**, each jurisdiction in San Joaquin County is allowed to nominate two (2) projects for inclusion in the annual One Voice trip; and

**WHEREAS**, the project nomination forms are due to SJCOG by February 28, 2020, to be included in the 2020 One Voice trip; and

**WHEREAS**, the projects nominated for the 2019 One Voice trip included the Louise Avenue/I-5 Interchange and Lathrop Road/I-5 Interchange projects; and

**WHEREAS**, staff is recommending that the Louise Avenue/I-5 Interchange and Lathrop Road/I-5 Interchange projects be submitted again as the City's two priority projects for federal funding and requests that Council approve the submittal that will be made to SJCOG by February 28, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Lathrop approves these two (2) projects for nomination to SJCOG for the 2020 One Voice trip.



The foregoing resolution was passed and adopted this 10<sup>th</sup> day of February 2020, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

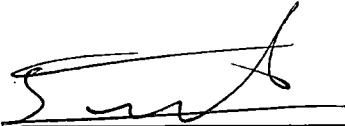
ABSTAIN:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Teresa Vargas, City Clerk

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

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**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020, CITY COUNCIL REGULAR MEETING**

**ITEM:** **APPROVE UPDATE TO POLICY TO GUIDE STAFF INTERPRETATION OF DEVELOPMENT IMPACT FEES AS THEY RELATE TO ACCESSORY DWELLING UNITS TO CONFORM TO STATE LAW**

**RECOMMENDATION:** **Adopt Resolution Approving an Update to a Policy to Guide Staff Interpretation of Development Impact Fees as They Relate to Accessory Dwelling Units to Conform to State Law**

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**SUMMARY:**

Accessory Dwelling Units (ADUs) are defined as attached or detached secondary dwelling units with complete independent living facilities for one or more persons. The California Department of Housing and Community Development (HCD) has established laws through the state legislature to reduce the burden on ADU development. The subsequent state laws require some interpretation and standardization by the local agency to ensure consistency among projects.

On August 12, 2019, City Council approved Resolution No. 19-4610 approving a policy to guide staff interpretation of development impact fees and municipal code as they relate to accessory dwelling units. On January 1, 2020, California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2 related to ADUs was updated and therefore an update to the policy approved by Resolution No. 19-4610 is required. The updates should be applied in conjunction with the requirements and interpretations that were previously approved by City Council.

Pursuant to the California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2, ADUs that conform to the definition and requirements set forth by the Government Code and are less than 750 square feet are exempt from all Capital Facility Fees (CFFs). ADUs that conform to the definition and requirements set forth by the Government Code and are greater than or equal to 750 square feet are subject to CFFs in proportion to the primary dwelling unit square footage. The proportion is calculated as the ADU square footage divided by the primary dwelling unit square footage. The applicable CFFs are then multiplied by the calculated proportion.

Staff recommends that City Council approve this update to the policy to guide staff interpretation of development impact fees and the Municipal Code as they relate to accessory dwelling units to conform to state law.

**FEBRUARY 10, 2020, CITY COUNCIL REGULAR MEETING****APPROVE UPDATE TO POLICY TO GUIDE STAFF INTERPRETATION OF DEVELOPMENT IMPACT FEES AS THEY RELATE TO ACCESSORY DWELLING UNITS TO CONFORM TO STATE LAW****BACKGROUND:**

Accessory Dwelling Units (ADUs) are defined as attached or detached secondary dwelling units with complete independent living facilities for one or more person. ADUs address the needs of individuals or small families seeking living quarters in high opportunity areas with limited space. The California Department of Housing and Community Development (HCD) has established laws through the state legislature to promote development of ADUs in an effort to supplement the shortage of available housing.

On August 12, 2019, City Council approved Resolution No. 19-4610 approving a policy to guide staff interpretation of development impact fees and municipal code as they relate to accessory dwelling units. According to the aforementioned resolution and pursuant to California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2, ADUs shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service unless the ADU was construction with a new single-family home. Further, the requirements for right-of-way and public utility easement dedication, frontage improvements, and utility connections set for by the City of Lathrop Municipal Code Sections 12.12.070, 12.12.040, and 13.16.040 are not applicable to ADUs. All CFFs not related to sewer and water connections are applicable to ADUs as long as such fees are allowed to be applied by State Law. In an effort to be consistent with neighboring Cities, all applicable CFFs will be applied at the Multi-Family dwelling rate. The Multi-Family dwelling rate provides a discount as compared to the Single Family dwelling rate to promote development of ADUs within Lathrop.

On January 1, 2020, California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2 related to ADUs was updated and therefore an update to the policy approved by Resolution No. 19-4610 is required. The updates should be applied in conjunction with the requirements and interpretations that were previously approved by City Council.

Pursuant to the California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2, ADUs that conform to the definition and requirements set forth by the Government Code and are less than 750 square feet are exempt from Capital Facility Fees (CFFs). ADUs that conform to the definition and requirements set forth by the Government Code and are greater than or equal to 750 square feet are subject to CFFs in proportion to the primary dwelling unit square footage. The proportion is calculated as the ADU square footage divided by the primary dwelling unit square footage. The applicable CFFs are then multiplied by the calculated proportion.

These interpretations and clarifications shall be in effect as long as required by California law.

**FEBRUARY 10, 2020, CITY COUNCIL REGULAR MEETING****APPROVE UPDATE TO POLICY TO GUIDE STAFF INTERPRETATION OF DEVELOPMENT IMPACT FEES AS THEY RELATE TO ACCESSORY DWELLING UNITS TO CONFORM TO STATE LAW****REASON FOR RECOMMENDATION:**

Council is requested to approve this update to a policy to guide staff interpretation of development impact fees and the Municipal Code as they relate to accessory dwelling units to conform to state law. An update to the previously established policy is needed at this time due to the recent update to the California Government Code, the ambiguity of the state law related to ADUs, and the growing number of applications for ADUs in the City of Lathrop.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

- A. Resolution Approving an Update to a Policy to Guide Staff Interpretation of Development Impact Fees as They Relate to Accessory Dwelling Units to Conform to State Law

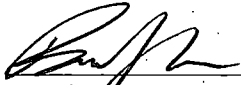
**CITY MANAGER'S REPORT**

**PAGE 4**

**FEBRUARY 10, 2020, CITY COUNCIL REGULAR MEETING**

**APPROVE UPDATE TO POLICY TO GUIDE STAFF INTERPRETATION OF  
DEVELOPMENT IMPACT FEES AS THEY RELATE TO ACCESSORY DWELLING  
UNITS TO CONFORM TO STATE LAW**

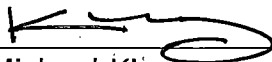
**APPROVALS:**



Brad Taylor  
Associate Engineer

1/27/2020

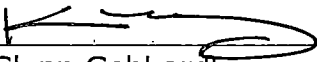
Date



Michael King  
Director of Public Works

1-27-20

Date



Glenn Gebhardt  
City Engineer

1-29-20

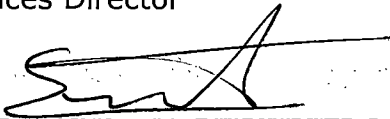
Date



Cari James *(For C.J.)*  
Finance & Administrative  
Services Director

1/29/20

Date



Salvador Navarrete  
City Attorney

1-28-20

Date



Stephen J. Salvatore  
City Manager

1-30-20

Date

## **RESOLUTION NO. 20-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AN UPDATE TO A POLICY TO GUIDE STAFF INTERPRETATION OF DEVELOPMENT IMPACT FEES AS THEY RELATE TO ACCESSORY DWELLING UNITS TO CONFORM TO STATE LAW**

**WHEREAS,** Accessory Dwelling Units (ADUs) are defined as attached or detached secondary dwelling units with complete independent living facilities for one or more persons; and

**WHEREAS,** on August 12, 2019, City Council approved Resolution No. 19-4610 approving a policy to guide staff interpretation of development impact fees and municipal code as they relate to accessory dwelling units; and

**WHEREAS,** on January 1, 2020, California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2 related to ADUs was updated and therefore an update to the policy approved by Resolution No. 19-4610 is required. The updates should be applied in conjunction with the requirements and interpretations that were previously approved by City Council; and

**WHEREAS,** pursuant to the California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2, ADUs that conform to the definition and requirements set forth by the Government Code and are less than 750 square feet are exempt from all Capital Facility Fees (CFFs); and

**WHEREAS,** pursuant to the California Government Code Division 1 Chapter 5, Chapter 7 and Section 65852.2, ADUs that conform to the definition and requirements set forth by the Government Code and are greater than or equal to 750 square feet are subject to CFFs in proportion to the primary dwelling unit square footage. The proportion is calculated as the ADU square footage divided by the primary dwelling unit square footage. The applicable CFFs are then multiplied by the calculated proportion; and

**WHEREAS,** Staff recommends that City Council approve this update to the policy to guide staff interpretation of development impact fees and the Municipal Code as they relate to accessory dwelling units to conform to state law.

**NOW, THEREFORE, BE IT RESOLVED,** the City Council of the City of Lathrop does hereby approve the update to the policy for application of Capital Facility Fees to accessory dwelling units as described herein as long as required by California law. Except to extent specifically updated by this resolution, Resolution 19-4610 remains in full force and effect.

The foregoing resolution was passed and adopted this 10<sup>th</sup> day of February 2020, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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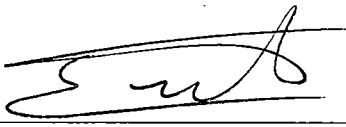
Sonny Dhaliwal, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

Teresa Vargas, City Clerk



---

Salvador Navarrete, City Attorney



## **ITEM 4.5**

### **CITY MANAGER'S REPORT FEBRUARY 10, 2020, CITY COUNCIL REGULAR MEETING**

**ITEM:** **RESCIND INITIAL REJECTION OF LOTS, ROADWAYS AND EASEMENTS IN FINAL MAPS FOR TRACT 3789 AND TRACT 3533 AND ACCEPT LOTS, ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF IMPROVEMENTS AT A LATER DATE IN THE CLSP AREA**

**RECOMMENDATION:** **ADOPT RESOLUTION RESCINDING INITIAL REJECTION OF LOTS, ROADWAYS AND EASEMENTS IN FINAL MAPS FOR TRACT 3789 AND TRACT 3533, AND ACCEPTING LOTS, ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF IMPROVEMENTS AT A LATER DATE IN THE CENTRAL LATHROP SPECIFIC PLAN (CLSP) AREA**

---

#### **SUMMARY:**

At the time the Final Maps for Tract 3789 and 3533 were processed, lots, roadways and easements offered for dedication to the City were rejected until improvements were completed. To ensure that the irrevocable offers of dedication of lots, roadways and easements of the Final Maps for Tract 3533 and Tract 3789 remain in place, staff recommends City Council rescind the initial rejection of lots, roadways and easements in Final Maps for Tract 3533 and Tract 3789 and accept the lots, roadways and easements offered for dedication upon acceptance of the improvements at a later date.

#### **BACKGROUND:**

The City Council of the City of Lathrop approved the Final Maps for Tract 3533 and Tract 3789 in 2006 and 2017, respectively, for portions of Central Lathrop Specific Plan (CLSP). At the time the Final Maps were processed, lots, roadways and easements offered for dedication to the City were rejected until improvements were completed in accordance with Chapter 16, Title 16.16 of the Lathrop Municipal Code of Ordinances. To ensure that the irrevocable offers of dedication of lots, roadways and easements of the Final Maps for Tract 3533 and Tract 3789 remain in place, staff recommends City Council rescind the initial rejection of lots, roadways and easements in Final Maps for Tract 3533 and Tract 3789 and accept the lots, roadways and easements offered for dedication upon acceptance of the improvements at a later date.

#### **REASON FOR RECOMMENDATION:**

To ensure that the irrevocable offers of dedication of lots, roadways and easements of the Final Maps for Tract 3533 and Tract 3789 remain in place, staff recommends City Council rescind the initial rejection of lots, roadways and easements in Final Maps for Tract 3533 and Tract 3789 and accept the lots, roadways and easements offered for dedication upon acceptance of the improvements at a later date.

**CITY MANAGER'S REPORT**  
**FEBRUARY 10, 2020, CITY COUNCIL REGULAR MEETING**  
**RESCIND INITIAL REJECTION OF FINAL MAPS FOR TRACT 3789 AND TRACT 3533, AND ACCEPT AT A LATER DATE IN CLSP AREA**

**PAGE 2**

**FISCAL IMPACT:**

There is no fiscal impact to the City.

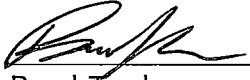
**ATTACHMENTS:**

- A. Resolution Rescinding Initial Rejection of Lots, Roadways and Easements in Final Maps for Tract 3789 and Tract 3533, and Accepting Lots, Roadways and Easements Upon Acceptance of Improvements at a Later Date in the Central Lathrop Specific Plan (CLSP) area

**CITY MANAGER'S REPORT**  
**FEBRUARY 10, 2020, CITY COUNCIL REGULAR MEETING**  
**RESCIND INITIAL REJECTION OF FINAL MAPS FOR TRACT 3789 AND TRACT**  
**3533 AND ACCEPT AT A LATER DATE IN CLSP AREA**

**PAGE 3**


**APPROVALS:**

  
\_\_\_\_\_  
Brad Taylor  
Associate Engineer

1/27/2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael King  
Director of Public Works


1-27-20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Glenn Gebhardt **FOR**  
City Engineer

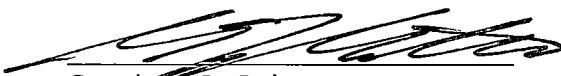
1-28-20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Cari James **FOR C.J.**  
Finance & Administrative  
Services Director

1/28/20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Salvador Navarrete  
City Attorney

1-28-20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore  
City Manager

1-29-20  
\_\_\_\_\_  
Date

**RESOLUTION NO. 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP RESCINDING INITIAL REJECTION OF LOTS, ROADWAYS AND EASEMENTS IN FINAL MAPS FOR TRACT 3789 AND TRACT 3533 AND ACCEPTING LOTS, ROADWAYS AND EASEMENTS UPON ACCEPTANCE OF IMPROVEMENTS AT A LATER DATE IN THE CENTRAL LATHROP SPECIFIC PLAN AREA**

**WHEREAS,** the City Council of the City of Lathrop approved the Final Maps for Tract 3533 and Tract 3789 in 2006 and 2017, respectively, for portions of Central Lathrop Specific Plan (CLSP); and

**WHEREAS,** at the time the Final Maps were processed, lots, roadways and easements offered for dedication to the City were rejected until improvements were completed in accordance with Chapter 16, Title 16.16 of the Lathrop Municipal Code of Ordinances; and

**WHEREAS,** to ensure that the irrevocable offers of dedication of lots, roadways and easements of the Final Maps for Tract 3533 and Tract 3789 remain in place, staff recommends City Council rescind the initial rejection of lots, roadways and easements in Final Maps for Tract 3533 and Tract 3789 and accept the lots, roadways and easements offered for dedication upon acceptance of the improvements at a later date.

**NOW, THEREFORE, BE IT RESOLVED,** the City Council of the City of Lathrop does hereby rescind the initial rejection of lots, roadways and easements in Final Maps for Tract 3533 and Tract 3789 and agrees to accept the lots, roadways and easements offered for dedication upon acceptance of the improvements at a later date.

The foregoing resolution was passed and adopted this 10<sup>th</sup> day of February 2020, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

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**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**

**ITEM:** **APPROVE TASK ORDER NO. 3 AND TASK ORDER NO. 4 FOR ASCENT ENVIRONMENTAL, INC. TO PREPARE A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, AND TO UPDATE THE WEST LATHROP SPECIFIC PLAN, AND RIVER ISLANDS URBAN DESIGN CONCEPT FOR THE RIVER ISLANDS PHASE 2 PROJECT.**

**RECOMMENDATION:** **Adopt a Resolution Approving Task Order No. 3 and Task Order No. 4 for Ascent Environmental, Inc. to Prepare a Subsequent Environmental Impact Report, and Updates to the West Lathrop Specific Plan and River Islands Urban Design Concept to Support the River Islands Phase 2 Project.**

---

**SUMMARY:**

The River Islands development team is proposing modifications to Phase 2 of River Islands that requires a General Plan Amendment, West Lathrop Specific Plan (WLSP) Amendment, Rezone, and River Islands Urban Design Concept (RI-UDC) Amendment. The amendments above are necessary to support their plans to obtain approval of a Vesting Tentative Map for the Phase 2 project area and other associated approvals. Each of the above require review for compliance with the California Environmental Quality Act (CEQA).

Given the size, scope of work, and the expertise necessary to accomplish the tasks above, staff is requesting approval of the subject Task Orders for Ascent Environmental to prepare the amendments to the WLSP, the RI-UDC, and a Subsequent Environmental Impact Report (SEIR).

Staff has reviewed the Scope of Work for each Task Order and finds them to be appropriate. Staff is requesting Council approval of Task Order No. 3 and Task Order No. 4 to prepare the SEIR to support the proposed amendments as described above.

**BACKGROUND:**

The River Islands at Lathrop Project is a mixed use, water-oriented master planned community, on approximately 4,905 acres on Stewart Tract and Paradise Cut. Project construction is split among two primary development phases, following an approximately 20-year buildout schedule. The Phase 1 project includes 4,284 residential dwelling units, a Town Center, a portion of a Business Park, lakes, parks, schools, and other open space.

**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING  
TASK ORDERS NO. 3 & 4 WITH ASCENT ENVIRONMENTAL, INC.**

**PAGE 2**

As evaluated in the original 2003 Subsequent EIR, the Phase 2 project includes 6,716 dwelling units, the balance of the Business Park (Employment Center), a neighborhood commercial area, lakes, parks, schools, and additional open space areas.

In 2003, the City of Lathrop (City) certified the Subsequent EIR for the River Islands at Lathrop Project and approved various entitlements, including amendments to the General Plan, West Lathrop Specific Plan, a Vesting Tentative Map for Phase 1, and an Amended and Restated Development Agreement. The 2003 Subsequent EIR included a project-level analysis for Phase 1 as well as a project-level analysis for Phase 2 with the exception of the issue of recycled water storage and disposal during Phase 2, which was evaluated at a program-level analysis.

Since certification of the Subsequent EIR in 2003, the City has prepared various addenda to evaluate modifications to the River Islands project and confirm that there would be no new significant or substantially more severe environmental impacts under CEQA resulting from the project modifications.

With Phase 1 construction well underway, River Islands Development, proposes to turn its attention to Phase 2, which includes approximately 3,100 acres. The applicant has applied to the City for a number of related project-level entitlements that will update the land use program for Phase 2, including the following:

1. City of Lathrop General Plan Amendment
2. West Lathrop Specific Plan Amendment
3. Amended and Restated Development Agreement
4. Urban Design Concept Amendment
5. Vesting Tentative Map

The updated land use program for Phase 2 proposes to increase the density of residential development within the Phase 2 area, accommodate additional retail and commercial development, and add a mixed-use Transit Village to the proposed Valley Link station location in the Employment Center District.

The amendments will provide for these changes, as well as other project refinements and updates proposed to accommodate changes in the flood protection program, transportation and circulation changes, changes in school construction, and other similar issues.



**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING  
TASK ORDERS NO. 3 & 4 WITH ASCENT ENVIRONMENTAL, INC.**

**PAGE 3**

**REASON FOR RECOMMENDATION:**

On April 30, 2019 City staff approved a Master Agreement with Ascent Environmental, Inc. (consultant) to provide professional planning and environmental services to the City. The Master Agreement allows work to be added with Task Orders approved by Council when necessary. The term of the Master Agreement is valid throughout the completion of Task Order No. 3 and Task Order No. 4.

At staff's request, Ascent Environmental, Inc. prepared and submitted a Scope of Work to prepare the Subsequent EIR – CEQA Environmental Documentation (Attachment 2), and a separate Scope of Work to prepare the amendments to the West Lathrop Specific Plan and River Islands Urban Design Concept – Planning Documents (Attachment 3).

Ascent Environmental, Inc. provides effective and reliable professional consulting services and is well qualified to prepare the necessary CEQA and Planning documents.

**FISCAL IMPACT:**

The funds required for Task Orders No. 3 and Task Order No. 4 will be fully funded by River Islands Development. The developer has executed funding authorizations for each Task Order. The proposed scopes of work, including the City's Administrative Fee have a combined total amount not to exceed \$1,025,335. Staff is requesting the City Council to approve a budget amendment as follows:

Fiscal Year 2020-2021

Increase Revenue

4150-8999-371-9100 190112	\$1,025,335.
---------------------------	--------------

Increase Expense

4150-8999-420-0100 190112	\$1,025,335.
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**ATTACHMENTS:**

1. Resolution approving Task Order Nos. 3 and 4 with Ascent Environmental, Inc.
2. Task Order No. 3 with Ascent Environmental, Inc. environmental services.
3. Task Order No. 4 with Ascent Environmental, Inc. for planning consulting services.

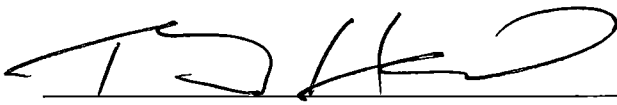
**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING  
TASK ORDERS NO. 3 & 4 WITH ASCENT ENVIRONMENTAL, INC.**

**PAGE 4**


**APPROVALS:**

  
\_\_\_\_\_  
Mark Meissner  
Community Development Director

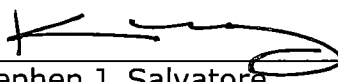
1-30-2020  
Date

  
\_\_\_\_\_  
Cari James *FOR C.S.*  
Director of Finance

1/30/20  
Date

  
\_\_\_\_\_  
Salvador Navarrete  
City Attorney

1-30-20  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore *FOR*  
City Manager

1-30-20  
Date

**RESOLUTION NO. 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING TASK ORDER NO. 3 AND TASK ORDER NO. 4 FOR ASCENT ENVIRONMENTAL, INC. TO PREPARE A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, AND TO UPDATE THE WEST LATHROP SPECIFIC PLAN, AND RIVER ISLANDS URBAN DESIGN CONCEPT FOR THE RIVER ISLANDS PHASE 2 PROJECT.**

**WHEREAS,** River Islands is proposing modifications to Phase 2 of River Islands that requires a General Plan Amendment, West Lathrop Specific Plan (WLSP) Amendment, Rezone, River Islands Urban Design Concept (RI-UDC) Amendment, and associated Vesting Tentative Map; and

**WHEREAS,** in order to proceed with the project, the City needs to prepare the appropriate environmental documents to comply with the California Environmental Quality Act (CEQA) and to update the West Lathrop Specific Plan and River Islands Urban Design Concept; and

**WHEREAS,** on April 30, 2019, the City of Lathrop entered into a Master Agreement with Ascent Environmental, Inc. to provide professional planning and environmental services to the City; and

**WHEREAS,** pursuant to the Master Agreement, the City can add additional work with Task Orders approved by the City Council when necessary; and

**WHEREAS,** funds required for Task Order No. 3 and 4 will be fully funded by River Islands Development, pursuant to an executed Funding Authorization. The proposed budget, including the City's Administrative Fee have a combined total amount not to exceed \$1,025,335.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Lathrop does hereby approve Task Order No. 3 and Task Order No. 4 with Ascent Environmental, Inc. to prepare a Subsequent Environmental Impact Report, and updates to the West Lathrop Specific Plan and River Islands Urban Design Concept to support the River Islands Phase 2 Project.

**BE IT FURTHER RESOLVED,** that the City Council of the City of Lathrop approves the following budget amendment for Fiscal Year 2020-2021:

Increase Revenue	
4150-8999-371-9100 190112	\$1,025,335
Increase Expense	
4150-8999-420-0100 190112	\$1,025,335

The foregoing resolution was passed and adopted this 10th day of February 2020, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Teresa Vargas, City Clerk



---

Salvador Navarrete, City Attorney

**CITY OF LATHROP  
TASK ORDER NO. 3 PURSUANT TO  
MASTER AGREEMENT, DATED APRIL 30, 2019 FOR CONSULTING  
SERVICES FOR SPECIALIZED PLANNING AND ENVIRONMENTAL  
CONSULTING SERVICES BETWEEN THE CITY OF LATHROP AND  
ASCENT ENVIRONMENTAL, INC.**

**FOR**

**THE RIVER ISLANDS PHASE 2 PROJECT SUBSEQUENT EIR**

**THIS TASK ORDER NO. 3**, dated for convenience this \_\_\_th day of February 2020, is by and made and entered into by and between Ascent Environmental, Inc. ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

**RECITALS:**

**WHEREAS**, on April 30, 2019, CONSULTANT entered into a master agreement ("AGREEMENT") with the CITY, by which the CONSULTANT has agreed to provide professional specialized planning and environmental consulting services for the City of Lathrop; and

**WHEREAS**, at the request of CITY, CONSULTANT submitted the scope of work and fee estimate to prepare the River Islands Phase 2 Project Subsequent EIR which is attached hereto as Exhibit "A" and incorporated herein by reference;

**NOW, THEREFORE**, CONSULTANT and the CITY agree as follows:

**AGREEMENT**

**(1) Incorporation Of Master Agreement**

This Task Order No. 3 hereby incorporates by reference all terms and conditions set forth in the Master Agreement for Consulting dated April 30, 2019, unless specifically modified by this Task Order.

**(2) Scope of Service**

CONSULTANT agrees to perform the environmental services in accordance with the scope of work and fee proposal provided in Exhibit "A". CONSULTANT agrees to diligently perform these services in accordance with the utmost standards of its profession and to the CITY'S satisfaction.

**(3) Time Of Performance**

CONSULTANT shall commence performance upon receipt of notice to proceed pursuant to section 6 and shall complete all required services no later than June 30, 2021.

**(4) Independent Contractor Status**

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any of the terms and conditions of this agreement, is an independent contractor and not an employee of the CITY.

As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in Exhibit "A" to City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

**(5) Compensation**

CITY hereby agrees to pay CONSULTANT a sum not to exceed **\$779,675** for the services as set forth in Exhibit "A". CONSULTANT shall be paid any uncontested sum due and payable within thirty (30) days of receipt of billings containing all information pursuant to Paragraph 5 of the master agreement. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in Exhibit "A", unless a written change order or authorization describing the extra work and payment terms has been executed by CITY's authorized representative prior to the commencement of the work.

**(6) Notice to Proceed**

Prior to commencing work under this agreement, CONSULTANT shall receive a written "Notice to Proceed" from the CITY. A Notice to Proceed shall not be issued until all necessary certificates of insurances have been received. City shall not be obligated to pay CONSULTANT for any services prior to issuance of the Notice to Proceed.

**(7) Billings**

CONSULTANT'S bills shall include a list of all tasks, a total amount due, the amounts previously billed, and the net amount due on the invoice. Except as specifically authorized by CITY, CONSULTANT shall not bill the CITY for duplicate services performed by more than one person. In no event shall CONSULTANT submit any billing for an amount in excess of the rates or the maximum amount of compensation provided in section (2) for either task or for the entire Agreement, unless modified by a properly executed change order.


**(8) Signatures**

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Ascent Environmental, Inc. Task Order No. 3  
River Islands Phase 2 Project SEIR

Approved as to Form:

City of Lathrop  
City Attorney

  
\_\_\_\_\_  
Salvador Navarrete Date 1-30-20

Recommended for Approval:

City of Lathrop  
Community Development Director

  
\_\_\_\_\_  
Mark Meissner Date 1-30-2020

Accepted By:

City of Lathrop  
390 Towne Centre Drive  
Lathrop, CA 95330

\_\_\_\_\_  
Stephen J. Salvatore Date  
City Manager

CONSULTANT:

Ascent Environmental, Inc.  
Gary Jakobs, Principal  
455 Capitol Mall, Suite 300  
Sacramento, CA 95814

Fed ID # 27-1537109  
Bus License # 20178

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
(Print Name and title)



**Exhibit to Attachment 2**



January 22, 2020

Mr. Mark Meissner  
Community Development Director  
City of Lathrop  
390 Towne Center Drive  
Lathrop, California 95330

**Subject: River Islands at Lathrop Phase 2 Project CEQA Compliance**

Dear Mr. Meissner:

As requested, we have developed the attached scope of work and cost estimate for the proposed River Islands at Lathrop Phase 2 Project CEQA Compliance. This scope of work reflects the City's determination, based on discussions with City staff, Ascent, and the applicant team, that a Subsequent EIR should be prepared to evaluate the modifications to the Phase 2 Project since certification of the 2003 Subsequent EIR.

As you know, the City approved an initial scope of work and not-to-exceed fee of \$75,000 for the first phase of Ascent's services, which primarily included planning services. These activities have been, or are being completed by Ascent. A separate scope of work will be submitted to the City to cover the next steps involved in project planning. The attached scope of work focuses exclusively on the environmental review process required by CEQA.

If you have any questions, please contact me at 916-930-3182 or Sean Bechta at 916-930-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary D. Jakobs". The signature is fluid and cursive, with a long, sweeping line extending from the end of the name.

Gary D. Jakobs, AICP  
Principal

A handwritten signature in black ink, appearing to read "Sean Bechta". The signature is cursive and somewhat stylized, with a prominent "S" and "B".

Sean Bechta  
Project Manager

Attachments:

- A Scope of Work
- B Cost Estimate
- C Fehr & Peers proposed scope of work and cost estimate

Project File (19010070.01)

## **ATTACHMENT A**

### **RIVER ISLANDS AT LATHROP PHASE 2 PROJECT CEQA COMPLIANCE PROPOSED SCOPE OF WORK**

#### **PROJECT UNDERSTANDING**

The River Islands at Lathrop Project is a mixed use, water-oriented master planned community, on approximately 4,905 acres on Stewart Tract and Paradise Cut. Project construction is split among two primary development phases, following an approximately 20-year buildout schedule. The Phase 1 project includes 4,284 residential dwelling units, a Town Center, a portion of a Business Park, lakes, parks, schools, and other open space. As evaluated in the original 2003 Subsequent EIR, the Phase 2 project includes 6,716 dwelling units, the balance of the Business Park (Employment Center), a neighborhood commercial area, lakes, parks, schools, and additional open space areas.

In 2003, the City of Lathrop (City) certified the Subsequent EIR for the River Islands at Lathrop Project and approved various entitlements, including amendments to the General Plan, West Lathrop Specific Plan, a Vesting Tentative Map for Phase 1, and an Amended and Restated Development Agreement.

The 2003 Subsequent EIR included a project-level analysis for Phase 1 as well as a project-level analysis for Phase 2 with the exception of the issue of recycled water storage and disposal during Phase 2, which was evaluated at a program-level analysis. Since certification of the Subsequent EIR in 2003, the City has prepared various addenda to evaluate modifications to the River Islands project and confirm that there would be no new significant or substantially more severe environmental impacts under CEQA resulting from the project modifications.

With Phase 1 construction well underway, the applicant (River Islands Development, LLC) proposes to turn its attention to Phase 2, which includes approximately 3,100 acres. The applicant has applied to the City for a number of related project-level entitlements that will update the land use program for Phase 2, including the following:

1. City of Lathrop General Plan Amendment
2. West Lathrop Specific Plan Amendment
3. Amended and Restated Development Agreement
4. Urban Design Concept Amendment
5. Vesting Tentative Map

The applicant proposes to densify proposed residential development within the Phase 2 area, accommodate additional retail and commercial development, and add a mixed-use Transit Village to the proposed Valley Link station location in the Employment Center District. The amendments will include

these changes, as well as other project refinements and updates proposed to accommodate changes in the flood protection program, transportation and circulation changes, changes in school construction, and other similar issues.

## PROPOSED SCOPE OF WORK

Based on discussions with the City and the applicant team, it has been determined that a Subsequent EIR should be prepared to evaluate the modifications to the Phase 2 Project. The EIR will be prepared in accordance with CEQA and the State CEQA Guidelines and is expected to follow standard conventions. A detailed scope of work follows.

Note: A separate scope of work has been provided to the City that describes the tasks involved in project Design + Planning. The below scope of work is limited to CEQA compliance and is based on our understanding of the project.

### Task 1 Project Initiation

Ascent will attend one project kickoff meeting with City staff and the applicant team, followed by a site visit on the same day. The purpose of the kickoff meeting is to further discuss the project characteristics, confirm project objectives, discuss areas of controversy and potential strategies, establish communication/review protocols, and review the project schedule. Ascent will work with the City and the applicant team to set up the meeting and establish the agenda. The kickoff meeting will also provide Ascent an opportunity to inquire further about the project and receive any additional applicable background documents, including information on the status of Phase 1 construction, any further information on the proposed transit center and high-density residential development, any new information on the proposed wastewater disposal plan, and to further refine assumptions regarding any offsite plans (including proposed roadway improvements and bridge widenings/expansions). Issues to be discussed will also include potential alternatives to evaluate in the EIR. It is requested that the City provide guidance and/or policy information regarding EIR outline, format, content, etc. to Ascent at (or shortly thereafter) the kickoff meeting.

Apart from the kickoff meeting, Ascent will review the following reports and materials that are being prepared by the applicant team as they become available:

Reports and Materials	Consultant
General Plan Amendment/Housing Element Update (Density Unit Increase)	O'Dell
Vesting Tentative Map (Small Lot)	O'Dell
Master Parks Plan Update	O'Dell
Senate Bill 221/610 Water Report	O'Dell <sup>1</sup>
Urban Water Management Plan Update (Last Report adopted in 2015)	EKI (City)
Noise Study	Illingworth

Reports and Materials	Consultant
Storm Water/Water/Sewer/Recycled Water/Flood Protection (Public Utilities)	O'Dell/MBK
Terrestrial Biology Reports	Monk
Geology, Soils, and Mineral Resources	Engeo
Hydrology and Water Quality	MBK
Updated Phase I Environmental Site Assessment	Applicant
Recreation	Ascent/O'Dell

Notes: 1. O'Dell will likely need assistance from PACE/EKI to complete these tasks.

Ascent assumes that these studies are comprehensive, technically accurate, and sufficient for use in the Subsequent EIR without additional research or analysis, or will be made adequate for use by the applicant team.

It is also assumed that these reports will be provided to Ascent in a timely manner so as to maintain the applicant team's desired EIR schedule.

#### **Deliverables**

- Kickoff meeting attendance, agenda, and notes: Electronic copy in Word and PDF

### **Task 2 Notice of Preparation and Scoping Meeting**

Ascent will prepare a draft Notice of Preparation (NOP)—an initial draft of which was prepared by the applicant team. Ascent will use the City's preferred NOP format and will verify that the content is consistent with CEQA Guidelines Section 15082.1. The NOP will include a brief project description, project location, and list of probable environmental effects based on a review of the project description and prior project knowledge, but will not include analysis in the form of an Initial Study.

Ascent will participate in one meeting to discuss the City's and applicant team's comments on the draft NOP, and to coordinate the best approach for addressing any new or challenging issues raised by the comments (meeting included in Task 8, below). Based on the comments received from the City and applicant team on the NOP, Ascent will prepare the public version of the NOP. Ascent will submit the NOP to the Governor's Office of Planning and Research, State Clearinghouse on behalf of the City with the Notice of Completion. It is assumed the City will maintain the distribution list and will distribute the NOP to the public and responsible and trustee agencies.

Ascent will coordinate with the City the schedule and arrange the NOP scoping meeting, which is assumed to be held in the City Council chambers. Ascent will prepare presentation materials for a public scoping meeting. Ascent's principal-in-charge (PIC) and project manager (PM) will attend and are able to present to agencies and the public information about the environmental process (meeting included in Task 8, below). Ascent will also take meeting notes and provide a summary of NOP and scoping meeting comments for inclusion in the EIR. If the City would like an official transcript of the meeting, Ascent can arrange for a court reporter to be present at the meeting subject to an additional fee.

## **Deliverables**

- ▶ Draft NOP: Electronic copy in Word and PDF
- ▶ Final NOP: Twenty (20) printed copies for City distribution and an electronic copy in Word and PDF
- ▶ Submittal of fifteen (15) copies of the NOP and the Notice of Completion to the State Clearinghouse on behalf of the City
- ▶ PowerPoint presentation for the scoping meeting: Electronic copy
- ▶ Summary of NOP comments: Electronic copy in Word and PDF

## **Task 3      Administrative Draft Subsequent EIR**

Ascent will prepare an administrative Draft Subsequent EIR, in accordance with CEQA and the State CEQA Guidelines. The Subsequent EIR will adhere to all CEQA requirements, and will evaluate all resource categories in the following chapters:

### *Introduction*

The Introduction will describe the purpose of the Subsequent EIR and the outline of the Subsequent EIR contents.

### *Executive Summary*

The Executive Summary will provide an overview of the project, alternatives evaluated, areas of controversy and issues to be resolved, and project impacts and mitigation measures. This chapter will include a summary table of all impacts and mitigation measures identified in the Subsequent EIR. An impact comparison table of the alternatives will also be provided.

### *Project Description*

Ascent will utilize the project description developed for the NOP as the basis for the Subsequent EIR's project description. However, the Subsequent EIR's project description will include additional project details and graphics. Based on conversations with the City and the applicant team, this scope of work assumes that the Phase 2 project description includes only project elements within the boundaries of Stewart Tract, which is consistent with the project boundaries identified in the 2003 Subsequent EIR. Specifically, this scope of work assumes that the project description does not include any bridge projects, surface water discharges, Golden Valley Parkway, or Paradise Road beyond Stewart Tract. Should any part of these or other off-site improvements become part of the project, an amendment to this scope and cost estimate may be needed.

### *Environmental Setting, Impacts, and Mitigation Measures*

Each environmental resource section will include a description of the environmental setting (i.e., the baseline environmental conditions), regulatory setting (i.e., federal, state, and local regulations), criteria used to determine the significance of impacts, analysis methodology and assumptions, and detailed discussion of the potential environmental effects of the project. Impact conclusions will be based on substantial evidence and mitigation measures will be recommended for significant or potentially significant impacts. Impact discussions and mitigation measures from the original Subsequent EIR will be used

wherever applicable. References will be provided as necessary to the supporting technical studies, which will be included as appendices to the Subsequent EIR as necessary.

The EIR will focus on the following environmental issues, based on Ascent's understanding of the project:

#### *Land Use Consistency and Compatibility*

Following the analysis in the 2003 Subsequent EIR, this Subsequent EIR will evaluate project consistency with applicable land use plans, policies, and regulations. Plans to be addressed include the *City of Lathrop General Plan* and *West Lathrop Specific Plan*. The project will require amendments to both of these plans, which the analysis will consider. The analysis will acknowledge that Lathrop is currently in the process of updating its general plan; therefore, evaluation will be of the existing general plan adopted in December 1991 and last amended in November 2004.

#### *Population, Employment, and Housing*

This section will discuss the population, housing, and employment assumptions used in the 2003 Subsequent EIR and compare the proposed project against the baseline of the 2003 assumptions. The discussion will include a discussion of the jobs-housing balance for the approved project and the proposed project, as well as consistency with current housing policies.

#### *Traffic and Transportation*

Based on discussions with City staff and the applicant, the transportation modeling and analysis will be completed by Fehr & Peers. Please see Attachment C for details regarding the scope of work for Fehr & Peers. Fehr & Peers will provide a drop-in section for the Subsequent EIR, which will be reviewed by Ascent.

#### *Air Quality*

The air quality analysis will focus on project-specific construction and operational impacts as compared to the build-out analysis provided in the 2003 Subsequent EIR. The analysis will review and utilize (as appropriate) the San Joaquin Valley Air Pollution Control District's guidance and thresholds of significance. The impact analysis will address whether the proposed project would result in any new or substantially worse significant air quality effects as compared with the approved project.

#### *Geology, Soils, and Mineral Resources*

Engco is preparing a geotechnical report, which will be utilized in the preparation of this section. The section will also provide a summary of the effects evaluated in the 2003 Subsequent EIR and discuss whether there are any changed conditions.

#### *Noise*

The proposed project would increase housing density near a planned transit station, which could result in additional noise effects in the area. Additionally, increased density of housing could result in new traffic noise impacts in the area. The noise analysis will evaluate potential noise and vibration impacts to these new residential areas as well as evaluate whether increases in traffic volumes would create new or substantially more severe noise impacts not previously addressed in the 2003 Subsequent EIR. This scope assumes that all noise modeling and analysis will be completed by the applicant's consultant, Illingworth & Rodkin, and that Ascent will use the information from Illingworth to complete the Subsequent EIR section.

#### *Hydrology and Water Quality*

The section will summarize the analysis and conclusions of the 2003 Subsequent EIR, and evaluate whether the proposed project would result in any changes to those conclusions. The analysis will evaluate whether the proposed project includes changes that could alter drainage patterns, increase runoff, place structures in areas at risk for flooding, and affect water quality.

#### *Hazardous Materials and Public Health*

The section will summarize the analysis and conclusions of the 2003 Subsequent EIR and will discuss whether the Phase 2 project would result in any new or substantially more significant effects related to hazardous material and public health.

#### *Public Services*

The public services analysis will focus on any changes in demand for fire protection, police protection, schools, and solid waste that would occur with the proposed project. The discussion will look at mitigation measures from the 2003 SEIR and determine whether the proposed project would result in any new or substantially worse significant effects.

#### *Public Utilities*

The anticipated demand for water, wastewater and recycled water, stormwater conveyance, electricity and natural gas under the proposed project will be compared with the discussion from the 2003 Subsequent EIR. Information for this section will be obtained from the technical reports to be provided by O'Dell and/or MBK regarding stormwater, water, sewer, recycled water, and flood protection. As noted, this scope of work does not address the consideration of new surface water discharge activities.

#### *Recreation*

The analysis will determine the required parkland acreage based on the proposed project, and evaluate whether the proposed project includes sufficient parkland to meet the requirements.

#### *Agricultural Resources*

The section will summarize the analysis and conclusions from the 2003 Subsequent EIR, and will update the status of Williamson Act contracts and agricultural lands within the Phase 2 area.

#### *Terrestrial Biology*

The section will summarize the analysis and conclusions from the 2003 Subsequent EIR and provide an update regarding permitting and other activities that have occurred since certification of the 2003 Subsequent EIR. As this scope of work does not address the disturbance of any land not previously evaluated for disturbance, Ascent does not include the need for any field surveys in this scope of work.

#### *Fisheries*

The section will summarize the analysis and conclusions from the 2003 Subsequent EIR and provide an update regarding permitting and other activities that have occurred since certification of the 2003 Subsequent EIR. It is anticipated that there would be no changes from the 2003 Subsequent EIR as the Phase 2 project description does not include any areas not previously evaluated.

#### *Cultural and Tribal Cultural Resources*

Although the City is familiar with the Native American Tribes in the project area and has coordinated with them in the past, to assist the City in following the administrative steps for compliance with the AB 52 requirement for tribal consultation during the CEQA process, Ascent will contact the Native American Heritage Commission (NAHC) to obtain a list of tribes in the area. While further AB 52 correspondence must be between the lead agency and the tribes, Ascent is able to assist the City by drafting letters to these tribes on the City's behalf and assisting with the required certified mailing. Should any tribes choose to consult with the City and the City desires Ascent's assistance with the consultation, a scope and cost amendment would be needed.

Given the length of time since the 2003 Subsequent EIR, a new records search will be performed for the proposed project area and vicinity to determine whether there are new resources that have been discovered or further documented since the 2003 Subsequent EIR. The section will include a summarization of the 2003 Subsequent EIR and current records search results. In addition to archaeological and historical resources, the section will also include an evaluation of effects on tribal cultural resources and a summarization of the Assembly Bill 52 process.

#### *Aesthetic Resources*

The analysis will evaluate whether the proposed land use changes could result in any new or substantially more significant effects related to aesthetics compared to the analysis in the 2003 Subsequent EIR. Issues to be examined include whether there would be changes in maximum building heights and whether that would change the significance determinations from the 2003 Subsequent EIR.

#### *Energy [new section]*

Since the 2003 Subsequent EIR, the CEQA Guidelines Appendix G checklist has been revised to include an energy section. Based on the checklist and the guidance included in CEQA Guidelines Appendix F regarding energy conservation, the Subsequent EIR will include an analysis of the anticipated energy demands of the project and determine whether the project would be likely to result in a wasteful or inefficient use of energy.

#### *Greenhouse Gas [new section]*

The 2003 Subsequent EIR did not include an analysis of the project greenhouse gas (GHG) emissions as it was not yet required for CEQA analyses and no comments on the Subsequent EIR suggested that GHGs be addressed. This Subsequent EIR will calculate the anticipated emissions from the approved project and the proposed project to determine whether the proposed project would result in a significant increase in emissions as compared with the approved project. The GHG analysis for the project will consider changed circumstances associated with the adoption of Senate Bill 32, current City efforts related to climate change, and the California Air Resources Board's 2017 Climate Change Scoping Plan Update.

#### *Wildfire [new section]*

The EIR will include a section evaluating the potential effects related to wildfire using the questions included in the recently updated CEQA Guidelines Appendix G checklist.



#### *Other CEQA Sections*

CEQA provides very specific requirements for the contents of an EIR (which also apply to Subsequent EIRs). Ascent will provide a complete Subsequent EIR, containing all sections required by CEQA, including the following:

- ▶ **Cumulative Impacts:** Ascent will evaluate the impacts of cumulative development and activities on all the resource issues evaluated in the Subsequent EIR. Ascent will work closely with City staff to establish the cumulative setting, which involves identification of reasonably foreseeable projects and activities in the region and an accurate list of cumulative projects (proposed, approved, under construction). As noted above, the cumulative setting will include offsite improvements such as roadways and surface water discharge that are being processed independent of the proposed project.
- ▶ **Growth-Inducing Impacts:** This section will qualitatively evaluate the project's potential to induce growth and subsequent environmental impacts that would occur (pursuant to CEQA Guidelines Section 15126[d]).
- ▶ **Significant Environmental Effects Which Cannot Be Avoided/Significant Irreversible Environmental Changes:** This section will clearly and succinctly summarize significant and unavoidable environmental effects of the proposed project and alternatives as evaluated in the Subsequent EIR.
- ▶ **Alternatives:** Up to three alternatives, including the No-Project Alternative, will be evaluated in the Subsequent EIR. The alternatives will be analyzed at a comparative level of detail, less than that of the proposed project, but sufficient to allow a comparison of impacts.

The EIR will include visual aids, such as maps and diagrams, to clearly present the environmental analysis to decision makers, responsible agencies, and the public.

As part of preparation of the administrative Draft Subsequent EIR, Ascent will compile an electronic copy of all cited literature, studies, personal communications, and reference materials used in the preparation of the EIR.

#### **Deliverables**

- ▶ List of tribes from NAHC: Electronic copy in Word
- ▶ Administrative Draft EIR: Electronic copy in Word and PDF

#### **Task 4      Screencheck Draft and Public Draft Subsequent EIR**

Ascent will attend one meeting to discuss the City's and applicant team's comments on the Administrative Draft EIR, and to coordinate the best approach for addressing any new or challenging issues raised by the comments (meeting included in Task 8, below). This scope of work assumes that comments will not require analysis of new issues or substantially revised analysis of issues already addressed in the Administrative Draft. Based on the comments received from the City and applicant team on the Administrative Draft Subsequent EIR, Ascent will prepare the Screencheck Draft Subsequent EIR.

Based on the comments received at the meeting from City staff and the applicant team on the Administrative Draft EIR, Ascent will prepare a Screencheck Draft EIR. All edits will be provided in underline and strike-out format (tracked changes). The impact summary table will be provided with the Screencheck Draft EIR.

Similar to the Administrative Draft EIR, Ascent will attend one meeting to discuss the City's and applicant team's comments on the Screencheck Draft EIR, and to coordinate the best approach for addressing any new or challenging issues raised by the comments (meeting included in Task 8, below). Ascent assumes that, at this stage, City staff and applicant team review will focus primarily on ensuring that the previous comments were appropriately addressed and will generally not identify new issues. Ascent will incorporate those revisions and produce a Draft EIR suitable for public distribution.

Ascent will also prepare the Notice of Availability (NOA) and will submit the Draft Subsequent EIR to the State Clearinghouse on behalf of the City. It is assumed that the City will be responsible for additional distribution and posting/publication of the NOA, including in the local newspaper. However, Ascent can assist in having the NOA published, if desired by the City and subject to an additional fee.

Ascent's PIC and PM will attend a Public Draft Subsequent EIR hearing during the minimum 45-day public review period and will be available to address issues pertaining to the Subsequent EIR (included in Task 8, below). It is assumed that the hearing will be held in the City Council chambers. Ascent will prepare presentation materials for the hearing. Ascent's principal-in-charge (PIC) and project manager (PM) will attend and are able to present to agencies and the public information about the environmental process and results of the Subsequent EIR analysis. It is assumed that a court reporter will be present to provide an official written transcript of oral comments received on the Draft Subsequent EIR. It is assumed the City will arrange for a court reporter to be present at the hearing; however, Ascent can make this arrangement subject to an additional fee.

#### **Deliverables**

- ▶ Screencheck Draft EIR: Electronic copy in Word and PDF
- ▶ Public Draft EIR: Twenty (20) printed copies and an electronic copy in Word and PDF
- ▶ Notice of Availability: Electronic copy in Word and PDF
- ▶ Submittal of the Draft EIR to the State Clearinghouse with the Notice of Completion on behalf of the City: Fifteen (15) CDs and 15 printed copies of the Executive Summary
- ▶ PowerPoint presentation for the Public Draft Subsequent EIR hearing: Electronic copy

#### **Task 5      Response to Public Comments/Final Subsequent EIR**

The purpose of this task is to prepare an Administrative Final Subsequent EIR that includes responses to all written and oral comments received from agencies and the public during the public review period, and to show changes to the Public Draft Subsequent EIR. After comments on the Public Draft Subsequent EIR are received, Ascent will meet with the City and the applicant team to discuss the comments and to develop a strategy for responses (included in Task 8, below). Ascent will prepare a list of commenters, compile and organize the comments, and develop draft responses to significant environmental points raised in the comments. It is assumed that responses will involve explanation, clarification, or elaboration of existing analysis and findings, but not include new analysis, issues, or alternatives. The scope of the response-to-comments effort is difficult to predict in advance. This scope of work assumes that responses would be completed with approximately 300 hours of technical staff labor. Ascent will alert the City and applicant team if the number of comments received, or the number of technical issues raised, would exceed the response preparation time included in this scope of work.

The Administrative Final Subsequent EIR will include the following components: an introductory chapter; a description of any relevant changes to the project that may have occurred since the Public Draft Subsequent EIR; analysis supporting that project changes do not trigger recirculation of the Public Draft Subsequent EIR; all excerpted text revisions to Public Draft Subsequent EIR chapters with modifications indicated in ~~strikeout~~ for deletions, and underline for additions; a list of persons, organizations, and public agencies commenting on the Public Draft Subsequent EIR; enumerated comment letters and public hearing transcripts; and responses to the environmental issues raised in comments received on the Public Draft Subsequent EIR. Reproduction of the entire Draft Subsequent EIR with revisions and modifications is assumed not to be necessary and is not included in this scope of work.

Ascent will attend one meeting to discuss the City's and applicant team's comments on the Administrative Final Subsequent EIR, and to coordinate the best approach for addressing any new or challenging issues raised by the comments (meeting included in Task 8, below). Ascent will incorporate comments on the Administrative Final Subsequent EIR to produce a Screencheck Final Subsequent EIR for the City's and applicant team's review. This scope of work assumes that comments will not require analysis of new issues or substantially revised analysis of issues already addressed in the Administrative Final.

Similar to the Administrative Final Subsequent EIR, Ascent will attend one meeting to discuss the City's and applicant team's comments on the Screencheck Final Subsequent EIR, and to coordinate the best approach for addressing any new or challenging issues raised by the comments (meeting included in Task 8, below). Ascent will incorporate those comments (assumed to be minor edits only) and produce a Final Subsequent EIR suitable for public distribution.

Proposed responses to public agency comments will be provided to those agencies at least 10 days prior to certification of the Subsequent EIR, in accordance with 21092.5 of the CEQA Statute. It is assumed that the City will facilitate any distribution of responses to individual commenters.

Following project approval and EIR certification, Ascent will prepare and file the notice of determination (NOD) with the county clerk's office and the State Clearinghouse.

#### **Deliverables**

- ▶ Administrative draft Final EIR: Electronic copy of in Word and PDF
- ▶ Screencheck Final EIR: Electronic copy of in Word and PDF
- ▶ Public Final EIR: Twenty (20) printed copies and an electronic copy in Word and PDF
- ▶ NOD: Electronic copy for City signature

### **Task 6 Mitigation Monitoring and Reporting Program**

Ascent will prepare the Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures recommended in the Subsequent EIR. The MMRP will include all mitigation measures in the Subsequent EIR and will identify timing, responsible party, performance standards, etc. Ascent will prepare a draft MMRP and will submit (electronically) to the City and applicant team for review and comment. The City and applicant team will provide Ascent with one set of consolidated, non-conflicting comments on the draft MMRP to facilitate the overall schedule and promote efficiency. Once consolidated comments are received, Ascent will incorporate comments and produce the final MMRP.

#### **Deliverables**

- ▶ Draft MMRP: Electronic copy in Word and PDF
- ▶ Final MMRP: Electronic copy in Word and PDF

## **Task 7 Findings of Fact and Statement of Overriding Considerations**

In coordination with City staff, Ascent will prepare CEQA Findings of Fact (Findings) and, if necessary, a Statement of Overriding Considerations (SOC) for use by the City. The Findings will specify mitigation measures that have been incorporated into the project, and will explain why other measures, if any, have been found to be infeasible. If applicable, the Findings will also identify feasible project alternatives that could reduce adverse environmental effects but are not being implemented, with an explanation as to why they are infeasible. Ascent will prepare a draft of the Findings and will submit (electronically) to the City for review and comment. The City will provide Ascent with one set of consolidated, non-conflicting comments on the draft Findings to facilitate the overall schedule and promote efficiency. Once consolidated comments are received, Ascent will incorporate comments and deliver an electronic file of the final Findings to the City.

### **Deliverables**

- ▶ Draft Findings/SOC: Electronic copy in Word and PDF
- ▶ Final Findings/SOC: Electronic copy in Word and PDF

## **Task 8 Project Management and Meetings**

Ascent will devote effort each month to ensure an efficient and timely process for project execution. In our experience, early identification of issues and agreement upon resolution is necessary for maintaining the overall project schedule. Our efforts will include close coordination with the City and applicant team about project issues, as they arise. Ascent will maintain close communication with the team to ensure objectives are met, the schedule is maintained, and the project is implemented within established budget parameters.

Also, Ascent staff will participate in the following calls and meetings:

- ▶ Ascent's PIC, PM, and Assistant PM will participate in up to 20 biweekly conference calls with City staff and the applicant team (2 per month for 10 months). It is assumed these calls would last 1.5 hours each. Of these 20 calls, up to four may be in-person meetings.
- ▶ Ascent's PIC, PM, and Assistant PM will participate in up to six project meetings to: review comments on the NOP, the Admin Draft EIR, Screencheck Draft EIR, responses to comments, Admin Final EIR, and Screencheck Draft EIR. It is assumed these meetings would last up to 4 hours each, with an additional 2 hours of travel time.
- ▶ Ascent's PIC and PM will participate in up to three public meetings—one Scoping Meeting, one meeting during the Draft EIR public review period, and one meeting to consider certification of the Final EIR. It is assumed these meetings would be held in the City Council chambers in Lathrop and would last up to 6 hours each, with an additional 2 hours of travel time.

Ascent will participate in additional meetings, if requested, subject to a modification of scope and budget.

**Deliverables/Meetings**

- ▶ Participation in up to 20 biweekly conference calls
- ▶ Participation in up to 6 project meetings
- ▶ Participation in up to 3 public meetings

**Contingency Funding**

The cost estimate table provided in Attachment B includes a line item with a 15% contingency fund to minimize the need to execute future contract amendments. The contingency funding could only be accessed with prior written authorization from the City.

**CITY OF LATHROP  
TASK ORDER NO. 4 PURSUANT TO  
MASTER AGREEMENT, DATED APRIL 30, 2019 FOR CONSULTING  
SERVICES FOR SPECIALIZED PLANNING AND ENVIRONMENTAL  
CONSULTING SERVICES BETWEEN THE CITY OF LATHROP AND  
ASCENT ENVIRONMENTAL, INC.**

**FOR**

**THE WEST LATHROP SPECIFIC PLAN AND THE RIVER ISLANDS  
URBAN DESIGN CONCEPT UPDATE ASSOCIATED WITH THE RIVER  
ISLANDS PHASE 2 PROJECT**

**THIS TASK ORDER NO. 4**, dated for convenience this \_\_\_th day of February 2020, is by and made and entered into by and between Ascent Environmental, Inc. ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

**RECITALS:**

**WHEREAS**, on April 30, 2019, CONSULTANT entered into a master agreement ("AGREEMENT") with the CITY, by which the CONSULTANT has agreed to provide professional specialized planning and environmental consulting services for the City of Lathrop; and

**WHEREAS**, at the request of CITY, CONSULTANT submitted the scope of work and fee estimate to update the West Lathrop Specific Plan and the River Islands Urban Design Concept associated with the River Islands at Lathrop Phase 2 Project which is attached hereto as Exhibit "A" and incorporated herein by reference;

**NOW, THEREFORE**, CONSULTANT and the CITY agree as follows:

**AGREEMENT**

**(1) Incorporation Of Master Agreement**

This Task Order No. 4 hereby incorporates by reference all terms and conditions set forth in the Master Agreement for Consulting dated April 30, 2019, unless specifically modified by this Task Order.

**(2) Scope of Service**

CONSULTANT agrees to perform the environmental services in accordance with the scope of work and fee proposal provided in Exhibit "A". CONSULTANT agrees to diligently perform these services in accordance with the utmost standards of its profession and to the CITY'S satisfaction.

**(3) Time Of Performance**

CONSULTANT shall commence performance upon receipt of notice to proceed pursuant to section 6 and shall complete all required services no later than June 30, 2021.

**(4) Independent Contractor Status**

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any of the terms and conditions of this agreement, is an independent contractor and not an employee of the CITY.

As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in Exhibit "A" to City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

**(5) Compensation**

CITY hereby agrees to pay CONSULTANT a sum not to exceed **\$215,660** for the services as set forth in Exhibit "A". CONSULTANT shall be paid any uncontested sum due and payable within thirty (30) days of receipt of billings containing all information pursuant to Paragraph 5 of the master agreement. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in Exhibit "A", unless a written change order or authorization describing the extra work and payment terms has been executed by CITY's authorized representative prior to the commencement of the work.

**(6) Notice to Proceed**

Prior to commencing work under this agreement, CONSULTANT shall receive a written "Notice to Proceed" from the CITY. A Notice to Proceed shall not be issued until all necessary certificates of insurances have been received. City shall not be obligated to pay CONSULTANT for any services prior to issuance of the Notice to Proceed.

**(7) Billings**

CONSULTANT'S bills shall include a list of all tasks, a total amount due, the amounts previously billed, and the net amount due on the invoice. Except as specifically authorized by CITY, CONSULTANT shall not bill the CITY for duplicate services performed by more than one person. In no event shall CONSULTANT submit any billing for an amount in excess of the rates or the maximum amount of compensation provided in section (2) for either task or for the entire Agreement, unless modified by a properly executed change order.

**(8) Signatures**

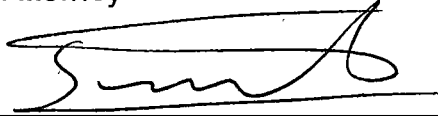
The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.



Ascent Environmental, Inc. Task Order No. 4  
River Islands Phase 2 WLSP & UDC Updates

Approved as to Form:

City of Lathrop  
City Attorney



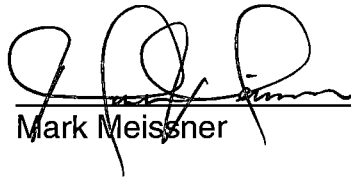
Salvador Navarrete

1-30-20

Date

Recommended for Approval:

City of Lathrop  
Community Development Director



Mark Meissner

1-30-2020

Date

Accepted By:

City of Lathrop  
390 Towne Centre Drive  
Lathrop, CA 95330

Stephen J. Salvatore  
City Manager

Date

CONSULTANT:

Ascent Environmental, Inc.  
Gary Jakobs, Principal  
455 Capitol Mall, Suite 300  
Sacramento, CA 95814

Fed ID # 27-1537109  
Bus License # 20178

Signature

Date

(Print Name and title)

**WEST LATHROP SPECIFIC PLAN AND RIVER ISLANDS URBAN DESIGN CONCEPT**

**SCOPE OF WORK, SCHEDULE, AND FEE**

**I. Scope of Work.**

The following Scope of Work outlines the efforts anticipated to prepare the West Lathrop Specific Plan and the River Islands Urban Design Concept (UDC) documents.

**Background**

We understand that various factors have contributed to the plan changes since the previous Specific Plan approval in 2003, especially as it pertains to the Stewart Tract (River Islands). These include the technical and financial infeasibility of the connected lakes and drainage system as well as the backbay Lathrop Landing marina; downturn in the housing market during to the 2008 economic recession which has rebounded since then and regained strong demand; rearrangement of the Town Center location and uses to better serve the current needs; and a new Valley Link station that is being proposed in the River Islands Phase 2 area to serve the commuters to the Bay Area.

Portions of River Islands Phase 1 have been built since the approval of the previous Specific Plan, followed by more areas currently under construction. Neighborhoods such as the Community at South River Bend, portions of the East Village, the River Islands Technology Academy and the STEAM Academy, Vega Park and Sunset Point, have contributed to bringing the community together with housing, open space, and public facilities, behind the levee improvements and construction of the "super levees" for flood protection.

Specifically, updates to the River Islands Phase 1 area (approximately 1,620 acres) will be based on the Phase 1 Land Use Map Exhibit dated September 2018, as the result of Substantial Conformance findings on the modifications to Phase 1 Stage 2A and 2B project areas. In summary, the main changes to the land use and development program include:

- Planned lakes, formerly an interconnected "Central Lake" that are now decentralized but still connected hydraulically via pipes.
- Canals replaced with paseos, open space and/or parkland.
- Certain Town Center District land uses modified and/or relocated to accommodate mixed use/multi-family residential areas and a commercial site, to benefit from the realignment of River Islands Parkway.
- Minor changes to lot layouts, increasing multi-family units by 130 units and decreasing single-family units by the same amount. The total number of residential units for Phase 1 will remain the same (4,284 units total).
- Lathrop Landing Marina may be constructed on the waterside of the San Joaquin River project levee, rather than in a backbay as originally approved. A community park for Lathrop Landing will still be constructed with roughly the same acreage and will be developed where the backbay would otherwise have been located.

- Minor changes to parks and open space locations and acreages in accordance with an updated Parks Master Plan.
- Updates to the levee system and adjacent development to reflect the latest levee improvements.
- Updates to the street sections, based on the latest traffic study.
- Updates to the District boundaries and names (where applicable), to reflect the latest land use map exhibit.
- Modifications to the schools and other public facilities, such as the police and fire stations.

For Phase 2 (approximately 3,193 acres, including Paradise Cut and the areas for existing and proposed levees), a significant increase to the number of housing units is being proposed by River Islands Development, LLC (RID) from what was approved in 2003, with the number increasing from approximately 6,700 dwelling units to 11,000 dwelling units.

The updates to the Phase 2 area will primarily include:

- Substantial increase in the number of residential units by approximately 4,000 units.
- Additional schools and parks to support the increase in dwelling units, than was envisioned in 2003.
- Canals replaced with paseos, open space and/or parkland.
- Planned lakes, formerly an interconnected "Central Lake" will be decentralized but still connected hydraulically via pipes.
- Main north-south drainage channel for stormwater conveyance purposes.
- Former golf course replaced with residential neighborhoods of varying lot sizes.
- Valley Link Station (former ACE Station) to be relocated to the Phase 2 area, providing commuter services to the Bay Area.
- A newly proposed mixed-use town center at the extension of Paradise Road.
- Lake Harbor development replaced with conventional residential neighborhoods.

### **Ascent Scope of Work Tasks**

The Scope of Work assumes that the Specific Plan and UDC documents will be prepared simultaneously over the period from mid-January through October, 2020. Since much of the graphics and supporting text will be coming from RID and other consultants, Ascent assumes the deadline noted above can only be achieved upon prompt receipt of that information.

### **Task 1: Administrative Draft Specific Plan Preparation**

Ascent will prepare the Administrative Draft West Lathrop Specific Plan based on the most current development plans for the River Islands Phase 1 area, as well as the latest land use plan and yield summary prepared by RID for the Phase 2 area. It is our understanding that no updates are required in the Specific Plan for Mossdale Village and the Southeast Stewart Tract. The Specific Plan will retain the overall structure and outline of the previous document, with each chapter clearly divided into the

Mossdale Village, Stewart Tract (River Islands), and Southeast Stewart Tract subareas. However, in order to clearly convey the goals, policies and guidelines, Ascent will suggest changes to how the content is presented, such as adjusting the document layout, renumbering the headings and subheadings, and converting development standards related texts into tabular format, where we think would benefit the document.

The Administrative Draft Specific Plan is likely to include the following seven chapters. All of the implementation measures may not be confirmed with the Administrative Draft submittal, and there may be placeholders for some graphics.

- *Executive Summary* – General overview of the Specific Plan location and content.
- *Introduction* – Specific Plan scope, purpose and intent; physical context and setting; planning approach; existing site conditions; and relationship to other documents.
- *Plan Objectives* – Planning goals and objectives, linked to General Plan consistency.
- *Land Use* – Land use plan; description of land uses; and development yield potential.
- *Infrastructure* – Roadways and vehicular circulation; street sections; and utilities including water, wastewater, storm drainage, electrical and gas service
- *Community Design* – Design principles and objectives; design elements; permitted uses; development standards and design guidelines.
- *Implementation* – Development phasing; implementing regulations and ordinances; habitat management plan; plan administration; financing measures; and development approval process

It is assumed that an initial set of redline edits for the text, as well as all necessary figures and diagrams for the Stewart Tract will be provided to Ascent by RID and its consultants, and the existing figures and diagrams for Mossdale Village and the Southeast Stewart Tract will remain unchanged.

**Task 1 Deliverables:**

- Administrative Draft Specific Plan – (PDF digital version)

**Task 2: Screencheck Draft Specific Plan Preparation**

Ascent will prepare the Screencheck Draft West Lathrop Specific Plan based on comments provided, for review by the City and RID prior to releasing the document to the public. All comments on the Administrative Draft are assumed to be in written form, and a group call among representatives of the City, RID, and Ascent is deemed necessary to review the comments, and clarify any directions.

**Task 2 Deliverables:**

- Screencheck Draft Specific Plan – (PDF digital version)

### **Task 3: Public Draft Specific Plan Preparation**

Ascent will prepare the Public Draft West Lathrop Specific Plan based on comments provided by City staff which include resolution of any conflicting comments with RID or others. All comments are assumed to be in written form, and a group call among representatives of the City, RID, and Ascent is deemed necessary to review the comments, and clarify any directions.

#### **Task 3 Deliverables:**

- Public Draft Specific Plan – (PDF digital version)

### **Task 4: Final Specific Plan Preparation**

Ascent will prepare the Final West Lathrop Specific Plan based on public comments from the 45-day review period, and comments provided by City staff that are linked to any impacts from the environmental document review that affect the Specific Plan. All comments are assumed to be in written form, and a group call among representatives of the City, RID, and Ascent is deemed necessary to review the comments, and clarify any directions.

#### **Task 4 Deliverables:**

- Final Specific Plan – (PDF digital version)

### **Task 5: Administrative Draft River Islands Urban Design Concept (UDC) Preparation**

The River Islands UDC will be simplified to provide high-level design guidance and directions, while minimizing duplicate information contained in the various Neighborhood Development Plans that provide more detailed guidelines at the district level. For example, detailed concepts and specifications for street furnishing details, landscaping specifications, walls and fences details, specific signage and monumentation concepts, conceptual bridge designs, etc. will not be included as part of the updated UDC.

A preliminary mock-up of the UDC document has been provided and comments received, to serve as an initial tool to identify the information gaps and responsible entities, as well as set the initial direction of the overall content and structure of the document.

It is assumed that Ascent will prepare the design guidelines exhibits in the UDC, and that the overall illustrative plan (Phases 1 and 2) will be provided by RID to be used as the basemap where necessary.

#### **Task 5 Deliverable:**

- Administrative Draft UDC, based on the comments to the mock-up version (PDF digital version)

#### **Task 6: Public Draft River Islands Urban Design Concept (UDC) Preparation**

Ascent will update the River Islands UDC based on comments provided by City staff. Ascent assumes one simultaneous review of the Administrative Draft UDC by the City of Lathrop and RID, with one set of consolidated, non-conflicting comments provided to Ascent. All comments are assumed to be in written form, and a group call among representatives of the City, RID, and Ascent is deemed necessary to review the comments, and clarify any directions.

##### **Task 6 Deliverable:**

- Public Draft UDC (PDF digital version)

#### **Task 7: Final River Islands Urban Design Concept (UDC) Preparation**

Ascent will update the Public Draft River Islands UDC based on public comments received during the 45-day Draft EIR review period, and comments provided by City staff. All comments are assumed to be in written form, and a group call among representatives of the City, RID, and Ascent is deemed necessary to review the comments, and clarify any directions.

##### **Task 7 Deliverable:**

- Final UDC (PDF digital version)

#### **Task 8: Planning Commission and City Council**

Ascent planning staff will attend a maximum of four study session and/or public hearings for the Planning Commission and City Council combined. We will assist the planning staff with preparation of PowerPoint presentations and help deliver the information if requested.

##### **Task 8 Deliverable:**

- Study session/public hearing meeting minutes
- PowerPoint preparation of key highlights of the Specific Plan and UDC

#### **Task 9: Project Management and Coordination Meetings**

During the preparation of the documents, Ascent assumes regular bi-weekly meetings/conference calls with both the City and RID for progress updates and coordination. Coordination meetings with other consultants may be necessary at key points for information sharing. Most of the meetings are assumed to be by phone to avoid travel time and cost. For the purposes of this assignment, we will assume the following meetings or calls.

- The City of Lathrop - 18 meetings/calls
- RID and/or other consultants - 10 meetings/calls

**Task 9 Deliverable:**

- Meeting minutes (could be combined with minutes involving environmental impact report team)

**Key Assumptions and Exclusions:**

- The scheduled goal for completion and adoption of the Specific Plan and UDC is October, 2020. As noted in the Scope of Work, Ascent's ability to meet that deadline is contingent upon receipt of materials from others in a timely fashion. We reserve the right to extend the deadline of our submittals if either the information is not received on time or reviews are not completed on time.
- The Final UDC document will involve only minor changes following the issuance of a Public Draft, since most of the detailed information will be contained within the Specific Plan and future Neighborhood Development Plans. If the Final version of the UDC is deemed to require substantial updates, Ascent will provide an additional scope and fee to complete the work.
- Any updates to the Specific Plan will be limited to the Stewart Tract (River Islands Phase 1 and Phase 2). The previous Specific Plan language, development plans and programs with regard to Mossdale Village and the Southeast Stewart Tract will remain primarily unchanged and carry over to the updated Specific Plan document.
- Initial text edits (redlines) and all figures for inclusion in the Specific Plan are assumed to be provided to Ascent by RID. For the River Islands UDC, Ascent will be provided with the overall illustrative plan base (Phase 1 and Phase 2) for the preparation of the design guidelines diagrams.
- It is assumed that community outreach and engagement is limited to public sessions and/or hearings with the Planning Commission and City Council; and included in this scope of work. If additional outreach is needed, Ascent can assist the City and RID through a scope and fee augmentation.
- Relevant information and/or drawings pertaining to the engineering of levees, lakes, dry and wet utilities, and traffic, are assumed to be provided to Ascent in a timely manner. Ascent is not responsible for any project delays caused by external factors, including delays in obtaining relevant information to be included in the Specific Plan and/or River Islands UDC.
- Text and figures regarding the wet and dry utilities are assumed to be provided by the project civil engineer, and information regarding circulation provided by the traffic engineer for inclusion into the Specific Plan.

- New perspective renderings by a professional illustrator or computer simulations are not included in the proposed scope and fees.
- Ascent does not warrant the accuracy of information provided by others for inclusion into the Specific Plan and UDC.
- Ascent has provided an estimate for the number of meetings that we will attend. If additional meetings are required, we will invoice the City on a time and materials basis.

II. Schedule.

Ascent shall endeavor to complete the Scope of Work within a 9-month timeframe from mid-January through October 2020, barring any delays beyond our control in obtaining the necessary materials from others, or pauses/stoppages due Client directives.

The submittal dates for the Administrative Draft, Screencheck Draft, Public Draft, and Final versions of the Specific Plan and UDC will be aligned with the respective dates for the submittal of the EIR.

All materials prepared by others for incorporation into the submittal documents are assumed to be provided to Ascent two weeks prior to the submittal dates, at the latest.



III. Compensation.

In consideration for Consultant providing the services noted above, the Client agrees to compensate the Consultant as follows:

Ascent will invoice the Client monthly based on percent complete by Task. The reprographics budget is for internal printing purposes only. Any requests for document publications/deliveries to the Client will incur additional cost from the printing vendor.

Task	Fees
1. Administrative Draft Specific Plan	\$58,330
2. Screencheck Draft Specific Plan	\$32,660
3. Public Draft Specific Plan	\$16,070
4. Final Specific Plan	\$14,060
5. Administrative Draft UDC	\$41,120
6. Public Draft UDC	\$16,920
7. Final Draft UDC	\$5,300
8. Study Sessions/Hearings	\$12,000
9. Project Management/Coordination Meetings	\$17,200
<b>Sub-Total Labor</b>	<b>\$213,660</b>
<b>Reprographics Budget</b>	<b>\$1,000</b>
<b>Mileage / Parking / Travel</b>	<b>\$1,000</b>
<b>Total Project Costs</b>	<b>\$215,660</b>

PRICE PROPOSAL  
River Islands Phase 2 Project Subsequent EIR

22-Jan-20

Task 1: Project Initiation		Price	Hours
Kickoff Meeting and Site Visit		\$ 4,860	24
Background Materials Review		\$ 17,760	104
Subtotal, Task 1		\$ 22,620	128

Task 2: Notice of Preparation & Scoping Meeting		Price	Hours
Draft and Final NOP		\$ 7,200	44
Scoping Meeting Materials and Summary		\$ 4,690	26
Subtotal, Task 2		\$ 11,890	70

Task 3: Administrative Draft Subsequent EIR		Price	Hours
Exec Summary, Introduction		\$ 8,340	50
Project Description		\$ 13,190	82
Land Use Consistency and Compatibility		\$ 6,810	44
Population, Employment, and Housing		\$ 6,500	39
Traffic and Transportation		\$ 12,640	74
Air Quality		\$ 14,390	96
Noise		\$ 8,260	62
Geology, Soils, and Mineral Resources		\$ 5,250	34
Hydrology and Water Quality		\$ 9,790	62
Hazardous Materials and Public Health		\$ 5,230	34
Public Services		\$ 7,720	50
Public Utilities		\$ 11,580	76
Recreation		\$ 5,530	36
Agricultural Resources		\$ 4,780	31
Terrestrial Biology		\$ 10,980	72
Fisheries		\$ 6,240	41
Cultural and Tribal Cultural Resources		\$ 7,370	48
Aesthetic Resources		\$ 7,630	52
Energy		\$ 8,570	58
Greenhouse Gas		\$ 13,980	92
Wildfire		\$ 5,280	34
Cumulative Impacts		\$ 21,220	132
Alternatives		\$ 16,920	100
Other CEQA Sections		\$ 6,150	36
Subtotal, Task 3		\$ 224,370	1435

Task 4: Screencheck Draft & Public Draft Subsequent EIR		Price	Hours
Screencheck Draft EIR		\$ 57,180	328
Public Draft EIR		\$ 22,155	127
Subtotal, Task 4		\$ 79,335	455

Task 5: Response to Public Comments / Final Subsequent EIR		Price	Hours
Admin Final EIR		\$ 55,790	332
Screencheck Final EIR		\$ 29,285	161
Public Final EIR		\$ 10,460	60
Subtotal, Task 5		\$ 95,535	553

Task 6: Mitigation Monitoring and Reporting Program		Price	Hours
Draft and Final MMRP		\$ 9,060	54
Subtotal, Task 6		\$ 9,060	54

Task 7: Findings/Overriding Considerations		Price	Hours
Draft and Final FOFs and SOC's		\$ 13,820	82
Subtotal, Task 7		\$ 13,820	82

Task 8: Project Management and Meetings		Price	Hours
Project Management		\$ 34,640	176
Conference Calls (20)		\$ 19,950	90
Team Meetings (6)		\$ 23,940	108
Scoping Meeting (1) and Public Hearings (2)		\$ 8,940	46
Subtotal, Task 8		\$ 87,470	420

Contingency Funding		Price	Hours
15% Contingency		\$ 81,615	0
Subtotal		\$ 81,615	0

LABOR SUBTOTAL		\$ 625,715	3197
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REIMBURSABLE EXPENSES		\$ 153,960
Printing		\$ 3,365
NOP (35 copies @ \$10 each)		\$ 350
Public Draft EIR (20 copies @ \$100 each; 15 CDs)		\$ 2,015
Public Final EIR (20 copies @ \$50 each)		\$ 1,000
Other Reproduction		\$ 500
Mileage / Parking / Travel		\$ 1,200
Postage		\$ 500
Maps / Supplies / Photos / Miscellaneous		\$ 1,500
Subconsultants		\$ 146,895
Fehr & Peers (role)		\$ 139,900
Administrative Cost (5%)		\$ 6,995

TOTAL PRICE		\$ 779,675
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Project No: 19010070.01  
Approved by Finance

Jakabs Principal \$290	Bechta Project Manager \$215	Henningsen Asst. Project Manager \$160	Resha Sr Planner \$145	Beyerl Senior Biologist \$170	Brilliante Biologist \$140	Bopari Senior AQ / GHG \$190	Way AQ / GHG \$125	Miller Transpo. Planner \$140	Antoniou Senior Noise \$140	Lord-Farmer Noise \$115	Env. Planner \$140	GIS / Graphics \$125	WP / Admin \$115
6	6	6	6										
6	24	18	18	2	4	4	4	10	2	6	6		
12	30	24	24	2	4	4	4	10	2	6	6	0	0

4	6	8	14									6	6
4	6	8										4	4
8	12	16	14	0	0	0	0	0	0	0	0	10	10

2	8	32											8
4	8	36	18									10	6
2	4		32									4	2
1	4	32											2
10	16							24				18	6
2	6					24	60						4
2	6								8	42			4
2	4										22	4	2
4	10										36	6	6
2	4										22	2	4
2	4		40									2	2
4	6										60	4	2
2	4										24	4	2
1	4		20									4	2
2	4			18	36							6	6
1	4			6	24							2	4
2	6										36		4
2	4										32	10	4
2	4					10	40						2
4	6					20	60						2
2	4										24	2	2
8	16	24	24	2	6	4	14	10	4	4	6	4	6
8	12	48	20									6	6
2	4	28											2
73	152	200	154	26	66	58	174	34	12	46	262	88	90

36	60	80	40	8	6	8	6	6	8	6	24	16	24
12	30	40	20									5	20
48	90	120	60	8	6	8	6	6	8	6	24	21	44

32	60	50	50	5	16	5	16	20	4	8	14	10	42
20	50	26	20		4		4	4		3	8	6	16
6	18	10	8									2	16
58	128	86	78	5	20	5	20	24	4	11	22	18	74

4	6	30									8		6
4	6	30	0	0	0	0	0	0	0	0	8	0	6

4	12	42	20										4
4	12	42	20	0	0	0	0	0	0	0	0	0	4

32	64	40	20										20
30	30	30											
36	36	36											
12	12	6										8	8
110	142	112	20	0	0	0	0	0	0	0	0	8	28

0	0	0	0	0	0	0	0	0	0	0	0	0	0
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317	572	630	370	41	96	75	204	74	26	69	322	145	256
\$ 91,930	\$ 122,980	\$ 100,800	\$ 53,650	\$ 6,970	\$ 13,440	\$ 14,250	\$ 25,500	\$ 10,360	\$ 3,640	\$ 7,935	\$ 45,080	\$ 18,125	\$ 29,440

ASSUMPTIONS  
Assumptions that explain the basis of the proposed price are enclosed and are an integral part of this proposed scope for work for services

## ATTACHMENT B

### RIVER ISLANDS AT LATHROP PHASE 2 PROJECT CEQA COMPLIANCE PROPOSED COST ESTIMATE

#### PROPOSED COST AND ASSUMPTIONS

The proposed price for the River Islands at Lathrop Phase 2 Project is presented in the attached spreadsheet (Attachment B). To promote clarity, the following assumptions explain the basis of the proposed price. The price is estimated based on a good-faith, current understanding of the project's needs. If selected, Ascent is interested in discussing the City's needs and revising the scope of work and price, as warranted, to meet the City's expectations.

1. **Proposed Price Validity:** The price proposed to carry out the scope of work is valid for 120 days from the date of submittal, after which it may be subject to revision.
2. **Compliance with CEQA:** The price assumes that environmental services are offered in compliance with CEQA. Work related to NEPA compliance, Section 404, or other permit processes is not included. This work can be provided with a contract amendment. This proposed scope and budget assumes preparation of an EIR, MMRP, and Findings only. Additional support for an additional document can be provided with a budget and scope augment.
3. **Schedule:** The price is based on the proposed schedule. If the schedule is protracted significantly (more than 60 days) for reasons beyond Ascent's control, a budget amendment may apply to the remaining work. Ascent will consult with the City about a course of action.
4. **Completion of Work:** The scope of work is complete upon the acceptance by City staff of the final deliverable.
5. **Price and Staff Allocation to Tasks:** The proposed price has been allocated to tasks. Work has been assigned to the identified staff or labor category. Ascent may reallocate budget or staff among tasks, as needed, as long as the total contract price is not exceeded.
6. **Meetings and Conference Calls:** The number and duration of proposed meetings and conference calls are specified. If they are exceeded, a budget augmentation would be warranted.
7. **Subcontractor Administrative Cost:** An administrative cost of 5 percent will be applied to subcontractor prices for purposes of contract execution and management, invoicing, and payment processing.
8. **Public Notices and Filing Fees:** The City will be responsible for the cost of newspaper publication of notices as well as the California Department of Fish and Wildlife Filing Fee (payable to the County Clerk) at the time the NOD is filed. These costs are not included in the proposed price.

9. **Billing Rates:** The proposed billing rates apply to the current calendar year. For work performed after this year has concluded, budget augmentations and contract amendments will be calculated using updated billing rates, unless precluded by contract terms.
10. **Changes to the Project or Alternatives:** After the description of the project are approved by the City for use in the environmental document, it is assumed they will not change during the course of analysis and document preparation. If changes are necessary, amendment of the budget will be warranted to the extent that already completed analysis and document preparation need to be revised or redone.
11. **Scope of Analysis:** The proposed price assumes that no new technical issues, alternatives, field surveys, modeling, or topical areas of research or analysis will be identified through the scoping process or by other affected agencies after contract execution. For this scope of services, roads, bridges, utility service, and any other facilities outside of the portion of Stewart Tract containing the project site are not addressed in the Subsequent EIR analysis. Once an approach to "offsite facilities" is determined, these facilities may be incorporated into the Subsequent EIR analysis with a budget amendment.
12. **Adequacy of Provided Materials:** Materials provided by others are assumed to be complete and adequate for use in the analysis. If supplemental or revised analysis, studies, data, or fieldwork is needed to render such materials adequate, a budget amendment would be warranted.
13. **Tribal Consultation:** Whether a tribe or tribes will request consultation under Assembly Bill 52 (Statutes of 2014) is unknown. The scope and budget, therefore, do not include performance of this consultation. Consultation assistance can be added, if needed, with a scope and budget amendment.
14. **Document Review Cycles:** Review cycles for preliminary versions of the deliverables are specified in the enclosed scope of work. Additional review cycles or additional versions of administrative or other drafts, if desired, can be provided with a budget augmentation.
15. **Consolidated Comments:** The City will provide Ascent with one set of consolidated, non-conflicting comments on preliminary draft deliverables that are submitted for review to facilitate the overall schedule and promote efficiency.
16. **References Cited:** Ascent will maintain electronic copies of reference documents or portions of documents cited and will make the electronic files available during public review. Ascent will submit electronic copies of references to the City for project files upon completion of the authorized work.
17. **Litigation Support:** Ascent is available to assist in the lead agency's response to a lawsuit, subject to an amendment to the contract and budget. Except for electronic files of cited references, which will be provided as described above, assembly of an administrative record or project record, whether needed for litigation or other purposes, is not included in the budget, but can be provided with a budget augment.

# RIVER ISLANDS SPECIFIC PLAN PHASE 2 PROJECT

## Transportation Analysis – VMT and Traffic Analysis

### SCOPE OF SERVICES, SCHEDULE, AND FEE

The following scope of work presents the work tasks that will be required to complete the Transportation Section of the Supplemental Environmental Impact Report, including Vehicle Miles Traveled (VMT) for CEQA, as well as the evaluation of Roadways and Intersections (regional and local) for phasing and implementation of transportation improvements. We are prepared to complete Task 1 which includes eight (8) major tasks and Task 2 which includes twelve (12) major tasks by the end of February 2020. We propose to complete Task 3 by the end of March 2020.

#### ***Task 1– City of Lathrop Travel Demand Model – Existing and No Project VMT Analysis***

We will complete the following eight (8) major tasks using the City of Lathrop Travel Demand Model:

1. Enhance the Existing Model to include the I-205 / MacArthur interchange (Existing and Future network) and I-205 / Chrisman Road interchange (Future Network)
2. Validate model to a total of 40 roadways, freeways and intersections that were also analyzed in the 2002 EIR for Year 2018/2019 Weekday AM Peak Hour, PM Peak Hour, and Average Daily Traffic (ADT) volumes
3. Develop Existing Condition Year 2020 (No Project) City of Lathrop Model by interpolating land use in City of Lathrop, City of Manteca and City of Ripon
4. Complete Existing Condition Year 2020 (No Project) City of Lathrop VMT per capita (population) and service population (employment)
5. Develop Interim Year 2030 (No Project) City of Lathrop Model by interpolating land use in City of Lathrop, City of Manteca and City of Ripon
6. Complete Interim Year 2030 (No Project) City of Lathrop VMT per capita (population) and service population (employment)
7. Develop General Plan Buildout 2040 (No Project) (2040 correlates to current General Plan Update Buildout Year) City of Lathrop Model by extrapolating land use in City of Lathrop, City of Manteca and City of Ripon
8. Complete Future Year 2040 (No Project) City of Lathrop VMT per capita (population) and service population (employment)

#### ***Task 2 – River Island Project Land Use and With Project VMT Analysis***

No later than February 10, 2020, we will receive roadway network and Traffic Analysis Zone Data for the following scenarios for the River Island Project:

1. Phase 1A Project;
2. Phase 1 Project;
3. Build-Out Project (Without River Islands Valley Link Station); and
4. Build-Out Project (With River Islands Valley Link Station).

# RIVER ISLANDS SPECIFIC PLAN PHASE 2 PROJECT

## Transportation Analysis – VMT and Traffic Analysis

For each project alternative, a trip generation analysis will be extracted from the City of Lathrop Travel Demand Model and compared to the Institute of Transportation Engineer's Trip Generation Manual (10<sup>th</sup> Edition). In addition to trip generation, the total number of internal trips (I-I) and external trips (I-X and X-1) will be shown in both tabular and graphic format.

We will update the City of Lathrop Travel Demand Model and complete the following twelve (12) major tasks:

1. Complete Existing (2020) + Phase 1A Project VMT per capita (population) and service population (employment)
2. Determine the Phase 1A Project VMT per capita (population) and service population (employment)
3. Complete Existing (2020) + Phase 1 Project VMT per capita (population) and service population (employment)
4. Determine the Phase 1 Project VMT per capita (population) and service population (employment)
5. Complete Existing (2020) + Project Build Out VMT per capita (population) and service population (employment)
6. Determine the Project Build Out VMT per capita (population) and service population (employment)
7. Complete Interim Year 2030 + Phase 1 VMT per capita (population) and service population (employment)
8. Determine the Phase 1 VMT per capita (population) and service population (employment)
9. Complete General Plan Build-Out 2040 + Project Build-Out (Without River Islands Valley Link Station) VMT per capita (population) and service population (employment)
10. Determine Project Build-Out (Without River Islands Valley Link Station) VMT per capita (population) and service population (employment)
11. Complete General Plan 2040 + Project Build-Out (With River Islands Valley Link Station) VMT per capita (population) and service population (employment)
12. Determine the Project Build-Out (With River Islands Valley Link Station) VMT per capita (population) and service population (employment)

In response to input from City staff, City of Lathrop Travel Demand Model plots will be developed to show the projected change in AM Peak Hour, PM Peak Hour and Average Daily Traffic Conditions for review by the City of Lathrop. The following major tasks will be completed:

1. Existing (2020) compared to Existing (2020) + Phase 1A Project
2. Existing (2020) compared to Existing (2020) + Phase 1 Project
3. Existing (2020) compared to Existing (2020) + Build Out Project
4. Interim Year 2030 No Project compared to Interim Year 2030 + Phase 1 Project
5. General Plan Building 2040 No Project compared to General Plan Buildout 2040 + Project Build-Out (Without River Islands Valley Link Station)
6. General Plan Buildout 2040 No Project compared to General Plan Buildout 2040 + Project Build-Out (With River Islands Valley Link Station)

### ***Task 3 - Traffic Operations Analysis***

# RIVER ISLANDS SPECIFIC PLAN PHASE 2 PROJECT

## Transportation Analysis – VMT and Traffic Analysis

In addition to the VMT analysis for use in the CEQA document, Fehr & Peers reviewed Chapter 4.4 – Traffic of the 2002 Draft Subsequent Environmental Impact Report. Based on our review of the document, we recommend that 40 roadway segments, 15 freeway segments, six (6) on-ramp and off-ramp segments and fifteen (15) intersections be analyzed for the following scenarios:

1. Existing Year 2020 + Phase 1A Project;
2. Interim Year 2030 + Phase 1 Project;
3. General Plan Buildout Year 2040 + Project Build-Out (Without River Islands Valley Link Station); and
4. General Plan Buildout Year 2040 + Project Build-Out (With River Islands Valley Link Station).

The City of Lathrop Travel Demand model will be used to determine the following traffic analysis:

1. Average Daily Traffic Volume – To determine the number of travel lanes required;
2. AM and PM Peak Hour Traffic Volumes – To determine the intersection geometrics required to serve all modes of travel, including vehicles (cars and trucks), pedestrian, and bicycle delays.

### ***Task 4 – Transportation Report, Transportation Chapter of SEIR and Project Meetings***

We will prepare an internal transportation report summarizing the results and findings in a Word document with Appendices. We will submit the Transportation Chapter to Ascent and the City of Lathrop for one round of review and written comments. Fehr & Peers has budgeted up to thirty (30) hours to respond to written comments and prepare the Transportation Chapter of the Subsequent Environmental Impact Report (SEIR). We will submit the Final Transportation Report and Transportation Chapter of the SEIR in both hard copy and electronic format. We will attend up to three (3) in-person meetings as directed by the City of Lathrop.



### Fee Proposal for River Island Specific Plan Phase 2 Project

Fehr & Peers									
	Lead Transp. Engineer	Transp. Engineer	Transp. Planner	GIS Analyst	Document Specialist	Labor Hours	Direct Costs	Total	Total Costs
<b>Scope Of Work</b>	\$200	\$175	\$130	\$125	\$115				
Task 1. City of Lathrop Travel Demand Model – Existing and No Project VMT Analysis	20	80	120	6	2	228	\$125	\$34,705	\$34,705
Task 2. River Island Project Land Use and With Project VMT Analysis	20	85	160	7	3	275	\$125	\$41,020	\$41,020
Task 3 - Traffic Operations Analysis	38	145	110	12	2	307	\$90	\$49,095	\$49,095
Task 4 – Transportation Report, Transportation Chapter of SEIR and Project Meetings	18	32	37	3	5	95	\$120	\$15,080	\$15,080
<b>Total Hours and Fee</b>	<b>96</b>	<b>342</b>	<b>427</b>	<b>28</b>	<b>12</b>	<b>905</b>	<b>\$460</b>	<b>\$140,805</b>	<b>\$139,900</b>



**ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO  
CONSIDER CDBG AND HOME FUNDING  
ALLOCATIONS FOR FY 2020/2021**

**RECOMMENDATION: Council to Consider the Following:**  
**1. Hold a Public Hearing; and**  
**2. Adopt Resolution Recommending the Allocation of  
the CDBG and HOME Funds for FY 2020/2021**

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**SUMMARY:**

Each year the City of Lathrop (City) receives an allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds. Both programs are funded by the U.S. Housing and Urban Development Department (HUD), and administered by San Joaquin County (COUNTY), under an Urban Cooperative Agreement between San Joaquin County and the cities of Escalon, Lathrop, Manteca, Ripon, and Tracy.

The County guidelines are in place to help meet the needs of the community and the requirements set forth by HUD. Important highlights of these guidelines are as follows:

- Multi-entitlement agencies must apply directly to San Joaquin County for both County and City funding.
- The City will impose a 50% expenditure rule for each agency that has received funding. The expenditure rule will require grantees to expend and report 50% of its current or past year's allocations, prior to applying for future funds.
- The minimum public service grant request for local organizations should be at least \$5,000.00.
- Cities will be recommending the local allocation of funds for final approval by the San Joaquin County Board of Supervisors and HUD.

For fiscal year 2020/2021, the City of Lathrop anticipates an allocation of \$89,216 in CDBG funds and \$28,254 in HOME funds. This number may increase or decrease depending on Federal Budget approvals. Fifteen percent (15%) of the allocated CDBG funds must be designated toward Public Service organizations with the remaining eighty-five percent (85%) designed toward Public/Capital Facility projects. HOME funds may be allocated to eligible program(s) administered by the County.

City Council must conduct a public hearing to consider funding requests from eligible applicants, prior to finalizing recommendations of local CDBG and HOME funding allocations. Staff published a legal advertisement on December 11, 2019 to promote the availability of CDBG and HOME funds and to solicit eligible applicants. A second legal advertisement was published on January 28, 2020 to announce the public hearing date to consider CDBG and HOME funding Allocations for FY 2020/2021.

**CITY MANAGER’S REPORT**

**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**

**PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME**

**FUNDING ALLOCATIONS FOR FISCAL YEAR 2020/2021**

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Multi-entitlement agencies serve multiple jurisdictions throughout the County, therefore these agencies are required to submit one application to San Joaquin County for individual local agency funding requests.

In addition to the four (4) multi-entitlement agency applications for CDBG funding, the City received one (1) application for a Public Services grant, one (1) application for a Public Facilities grant, and zero (0) applications for HOME funds.

The three-step process for allocating funds to identified local activities is referenced below:

- STEP 1. Allocate funding for the CDBG Public Service Organizations.
- STEP 2. Allocate funding for the CDBG Public/Capital Facility Projects.
- STEP 3. Allocate HOME funds to an eligible program administered by the County.

Staff recommends that the City Council consider the information given at the public hearing and during the staff presentation, and to approve a recommendation for allocating the 2020/2021 fiscal years CDBG’s public service grants and public facility grants, and the HOME funds.

**BACKGROUND:**

The City of Lathrop, in accordance with the Urban Cooperative Agreement with San Joaquin County, will make recommendations to allocate the anticipated amount of CDBG funds to Public Service organization(s), Public/Capital Facility project(s), and HOME funds as follows:

<b><u>CDBG</u></b>	
Public Service Awards (15%):	\$13,382
Public/Capital Facility Projects (85%):	<u>\$75,834</u>
Total anticipated CDBG Allocation:	<u>\$89,216</u>
 <b><u>HOME Funds</u></b>	
Total anticipated HOME Funds	<u>\$28,254</u>

**STEP 1: Allocate funds to Public Service Organizations**

Multi-agency Organizations:

Multi-agency Organization applicants include Meals on Wheels, Emergency Food Bank, Second Harvest, San Joaquin Fair Housing, and Give Every Child a Chance (GECAC). Each of these organizations have applied directly to the County for both County and City funding.

**CITY MANAGER’S REPORT**  
**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**  
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The following summary describes the services provided to Lathrop residents by each of the multi-agency applicants and the amount requested by each organization:

**San Joaquin Fair Housing** **\$1,000**  
 The San Joaquin Fair Housing Board processes housing discrimination complaints and provides housing information to the public. It is important to note that it is mandated by HUD that each jurisdiction is required to include their proportionate share of the anticipated expenditures by San Joaquin Fair Housing for the fiscal year. In other words, the \$1,000 is a requirement. The program expects to benefit approximately 320 Lathrop residents.

**Give Every Child a Chance** **\$6,295.77**  
 Give Every Child a Chance (GECAC) is a literacy based mentor/tutoring program, which provides free tutoring to students. Programs are conducted year round. Sites are open every day after school during the school year and a drop-in program is available during the Summer. Classes for Lathrop are held at Lathrop Elementary School, Joseph Widmer School, Mossdale School, River Islands Technology Academy and a summer site at Our Lady Guadalupe Church. For FY 20-21, GECAC anticipates providing services to 500 Lathrop children. The requested funds will be used to provide supplies and nutritious snacks for the students.

**Stockton Emergency Food Bank – Mobile Farmer** **\$1,000**  
 The Stockton Emergency Food Bank operates from its onsite food pantry, 12 satellite food pantries, and over 60 Mobile Farmer’s Market (MFM) sites throughout the county. There are three Mobile Farmer’s Market sites serving Lathrop for one day each month: Head Start, the Senior Center, and Our Lady of Guadalupe Church. The requested funds help provide access to fresh fruits and vegetables along with nutrition education to various underserved areas throughout San Joaquin County, free of charge. The program expects to serve 1,200 residents of Lathrop.

**SJC Department of Aging – Meals on Wheels** **\$764**  
 The Home Delivered Meals Program “Meals on Wheels” serves seniors throughout the county by delivering a package of five meals each week per person. The program targets to reduce social isolation and to promote better health by providing nutritional meals to seniors who are homebound by reason of illness or disability, or who are otherwise isolated. The program is mandated by the Older Americans Act and administered through the Department of Aging. The requested funds will be spent on operational costs associated with the procurement of meals, delivery, and other associated expenses. The program expects to benefit seven (7) senior residents of Lathrop.

**Local Organizations:**

Local organizations that serve and operate within specific jurisdictions are encouraged to apply directly to the Cities for CDBG grant funding. For FY 2020-21, the City received one local organization application.

**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING  
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FUNDING ALLOCATIONS FOR FISCAL YEAR 2020/2021**

The following summary describes the services provided by the applicant to Lathrop residents and the amount of funding requested:

**City of Lathrop Activity Assistance Program **\$5,000****

The Activity Assistance Program, formerly the Youth Scholarship Program, is administered by the City Parks & Recreation Department. Previously limited to the youth, the new program is now designed to extend assistance to all families and individuals who meet low household income guidelines established by HUD. Qualified individuals may use up to \$250 annually to offset 50% of program activity fees leaving the remaining balance to be paid by the participant.

Staff recommends allotment to each qualified public service organization as follows.

**PUBLIC SERVICE ORGANIZATIONS ALLOTMENT SUMMARY**

<b>Organization</b>	<b>Requested Amounts for FY 20/21</b>	<b>Recommended Allotment for FY 20/21</b>
<b>San Joaquin Fair Housing</b>	\$1,000	<b>\$1,000</b>
<b>Give Every Child a Chance (GECAC)</b>	\$6,295.77	<b>\$5,618</b>
<b>Emergency Stockton Food Bank Mobile Farmer's Market</b>	\$1,000	<b>\$1,000</b>
<b>SJC Dept of Aging, Meals on Wheels</b>	\$764	<b>\$764</b>
<b>City of Lathrop Activity Assistance Program</b>	\$5,000	<b>\$5,000</b>
<b>TOTAL FUNDS REQUESTED</b>		<b>\$13,382</b>

**STEP 2: Allocate Funds for Public/Capital Facility Project(s)**

The City of Lathrop anticipates \$75,834 of CDBG funds to be available for eligible public/capital facility projects. Only one application was received from the City's Parks and Recreation Department for additional funding towards the Senior Center Rehabilitation project. Any remaining funds not allocated to local projects will revert back to the County pool for dissemination. A summary of the project and the amount requested are referenced below:

**Lathrop Senior Center Refurbishment Project **\$41,800****

This application represents a continuation of the project the City of Lathrop submitted last year for refurbishment of the Senior Center, which was awarded \$79,200 of CDBG Public/Capital Facility funds. At the time, the proposed project was to be overseen by the City's Public Works Department and utilizing in-house labor. Since the time of the original application, the City has taken steps to reorganize/approve an informal bidding process, which means this project will be put out to bid and run through one contractor as opposed to individual vendors for flooring, ceiling, plumbing, paint, etc.

**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING****PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME FUNDING ALLOCATIONS FOR FISCAL YEAR 2020/2021**

Although the scope of the project has not changed from last year's application, the City anticipates increased expenses to the total project cost at \$121,000 dollars. The shortfall on the project is \$41,800, which is the amount of this application.

**STEP 3: Allocate Home Funds**

The estimated HOME fund allocation for FY 2020-21 is \$28,254. The City of Lathrop participates in two eligible HOME Loan programs—the Homebuyer Down-Payment Assistance (GAP) and the Housing Rehabilitation Programs. These programs provide low-interest loans for qualified low income families. The City advertises these programs through the City website and through flyers distributed at the Community Center, Senior Center and the library.

Applications for HOME funds are applied for and dispersed through San Joaquin County. According to the County records, the current fund balance for the Lathrop Housing Rehabilitation program is \$78,936, and the GAP program has a balance of \$19,970.

To date, the County has received four (4) applications for the Housing Rehabilitation program from Lathrop residents. Of these four applications, one project was completed in FY 19/20, one is currently being evaluated, one did not follow through with their paperwork, and a new application was just received. Over the past five (5) years, San Joaquin County has not received any requests for GAP funding from Lathrop residents. Due to the rising cost of housing and a high income ratio requirement, Lathrop residents are finding it difficult to qualify for GAP.

Staff recommends all HOME Funds be allocated to the City Housing Rehabilitation Loan Program.

**RECOMMENDATION:**

Staff recommends that the City Council consider the information given at the public hearing and during the staff presentation, and make a recommendation allocating the 2020/2021 fiscal year CDBG and HOME program funds as follows:

- Step 1: Allocate CDBG funds to Public Service Organizations as indicated on the Service Organizations Allotment Summary (\$13,382). See Attachment 2.
- Step 2: Allocate CDBG Public/Capital Facility funds (\$41,800) to the City of Lathrop Senior Center Rehabilitation Capital Improvement Project.
- Step 3: Allocate all HOME funds (\$28,254) to the City's Housing Rehabilitation Loan Program administered by the County.

**CITY MANAGER'S REPORT**  
**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**  
**PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME**  
**FUNDING ALLOCATIONS FOR FISCAL YEAR 2020/2021**

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**FISCAL IMPACT:**

Staff time to review the applications, prepare this report, presentation and monitor and manage this program.

The County’s disbursement process requires the City to set up a separate account(s) to accommodate the CDBG reimbursement program. Because the applicant(s) have been awarded CDBG grants in the past, all necessary accounts are in place and funded according to this requirement. The only exception will be an increase in the revenue account to accommodate the increase in award for the Senior Center Refurbishment project.

Staff is requesting the following budget amendment for the CIP PK 19-17 – Senior Center Improvements to accommodate the increased allocation.

<u>Increase Revenues</u>	
2650-3001-333-01-00	\$41,800

<u>Proposed Budget Amendment</u>	
CDBG Fund Transfer Out	
2650-9900-990-90-10	\$41,800

Increase Transfer to PK 19-17	
3010-9900-393-00-00	\$41,800

Increase Expense PK 19-17	
3010-80-00-420-12-00	\$41,800

**GOALS ADVANCED BY THIS AGENDA:**

The proposed Resolution promotes Public Safety by providing funding for those in need of assistance and support.

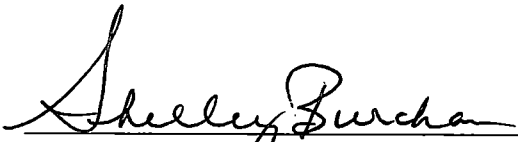
**ATTACHMENTS:**

1. Resolution Recommending the Allocation of the Community Development Block Grant and Home Investment Program Funds for FY 2020/2021.
2. Public Service Organizations Allotment Summary FY 2020/2021.

**CITY MANAGER'S REPORT**  
**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**  
**PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME**  
**FUNDING ALLOCATIONS FOR FISCAL YEAR 2020/2021**

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**APPROVALS:**

  
Shelley Burcham  
Economic Development Administrator

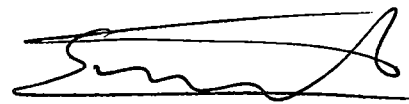
1-28-2020  
Date

  
Mark Meissner  
Director of Community Development

1-29-2020  
Date

  
Cari James  
Director of Finance

1/28/20  
Date

  
Salvador Navarrete  
City Attorney

1-29-20  
Date

  
Stephen J. Salvatore  
City Manager

1-30-20  
Date

## RESOLUTION NO. 20-

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP RECOMMENDING THE ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PROGRAM FUNDS FOR FISCAL YEAR 2020/2021**

**WHEREAS**, it is estimated that the City will receive an allocation of \$89,216 for Community Development Block Grant (CDBG) and \$28,254 for the HOME Investment Program (HOME) from the United States Department of Housing and Urban Development (HUD) for Fiscal Year (FY) 2020-2021; and

**WHEREAS**, the City of Lathrop has properly published a 30-day public notice of availability of funds for the programs in accordance with HUD regulations; and

**WHEREAS**, the City Council has determined in accordance with the California Environmental Quality Act, Article 18, Section 15273, that this item is categorically exempt because CEQA does not apply to the establishment or modification of HUD funding programs to public agencies which are to meet community needs; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on February 10, 2020 to consider applications for CDBG and HOME Funds for FY 2020-2021, and has considered the information given at the public hearing and during the staff presentation, and determines that the recommended allocations represent the community needs in Lathrop; and

**WHEREAS**, the recipients of CDBG funding are required to enter into an agreement with the City to ensure that funds are spent in accordance with HUD regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lathrop, does hereby recommend the following service agencies and allocated amounts for funding in the Fiscal Year 2020/2021 for the CDBG program:

#### SERVICE ORGANIZATION ALLOCATIONS

<u>Organizations</u>	<u>Allocations</u>
San Joaquin Fair Housing	\$ 1,000.00
Emergency Stockton Food Bank (MFM)	\$ 1,000.00
SJC Dept. of Aging (Meals on Wheel)	\$ 764.00
Give Every Child a Chance (GECAC)	\$ 5,618.00
City of Lathrop Activity Fee Assistance Program	\$ 5,000.00
Total Allocation (15% of \$89,216)	<u>\$13,382.00</u>

**BE IT FURTHER RESOLVED** that the City does hereby recommend allocating \$41,800 of the Public/Capital Facility Allotment funds to the City of Lathrop Senior Center Rehabilitation project; and



**BE IT FURTHER RESOLVED** that a budget amendment for FY 2020-2021 is required as follows:

For CIP PK 1917 – Senior Center Improvements:

Increase Revenues

2650-3001-333-0100	\$41,800
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Proposed Budget Amendment

CDBG Fund Transfer Out

2650-9900-990-90-10	\$41,800
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Increase Transfer to PK 19-17

3010-9900-393-00-00	\$41,800
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Increase Expense PK 19-17

3010-80-00-420-12-00	\$41,800
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**BE IT FURTHER RESOLVED** that the City does hereby recommend allocating the \$28,254 HOME Program funds to the City's Rehabilitation Loan Program.

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**PASSED AND ADOPTED** this 10th day of February 2020, by the following vote:

AYES:

NOES:

ABSENT:

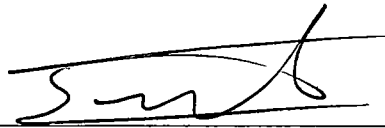
ABSTAIN:

\_\_\_\_\_  
SONNY DHALIWAL, MAYOR

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

CMR – February 10, 2020 City Council Regular Meeting

Public Hearing to Consider CDBG and HOME funding allocations for FY 2020/2021

**PUBLIC SERVICE ORGANIZATIONS ALLOTMENT SUMMARY**

<b>Organization</b>	<b>Requested Amounts for FY 20/21</b>	<b>Recommended Allotment for FY 20/21</b>
<b>San Joaquin Fair Housing</b>	\$1,000	<b>\$1,000</b>
<b>Give Every Child a Chance (GECAC)</b>	\$6,295.77	<b>\$5,618</b>
<b>Emergency Stockton Food Bank Mobile Farmer's Market</b>	\$1,000	<b>\$1,000</b>
<b>SJC Dept of Aging, Meals on Wheels</b>	\$ 764	<b>\$ 764</b>
<b>City of Lathrop Activity Assistance Program</b>	\$5,000	<b>\$5,000</b>
<b>TOTAL FUNDS REQUESTED</b>		<b>\$13,382</b>

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**CITY MANAGER'S REPORT  
FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**

**ITEM:** **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN AMENDMENT TO TITLE 3, CHAPTER 3.20, SECTION 3.20.070(A), AMOUNT TO BE PAID AND TIMING OF PAYMENT, OF THE LATHROP MUNICIPAL CODE TO ELIMINATE THE OPTION OF CAPITAL FACILITY FEE DEFERRAL FOR RESIDENTIAL DEVELOPMENTS UNTIL OCCUPANCY IN PLACE OF ESTABLISHING A FEE DEFERRAL PROGRAM BY RESOLUTION AND APPROVAL OF A CAPITAL FACILITY FEE DEFERRAL PROGRAM BY RESOLUTION**

**RECOMMENDATION:** **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Introduction and First Reading of an Ordinance Amendment to Section 3.20.070, Amount to be Paid and Timing of Payment, of the City of Lathrop Municipal Code; and**
- 3. Adoption of a Resolution Approving a Capital Facility Fee Deferral Program**

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**SUMMARY:**

Deferring Capital Facility Fee (CFF) payments for residential, commercial, warehousing and industrial developments until occupancy is an effective way to promote development within the City of Lathrop. Development is benefitted by having the ability to pay CFFs at a time when the project is producing revenue. The deferral of specific CFFs that have no impact on City infrastructure until occupancy results in minimal burden on the City.

Section 66007 of the Government Code requires the City to defer CFFs for residential developments however, deferring CFFs for commercial, warehousing and industrial developments is optional.

Section 3.20.070 of the City of Lathrop Municipal Code (LMC) allows for the deferral of CFFs for residential development but does not include commercial, warehousing and industrial. Staff proposes amendments to this section to eliminate the option for fee deferral from Section 3.20.070(A) in place of establishing a CFF Deferral Program by resolution, which will allow for more frequent updates to the Program to remain relevant with current laws and development needs.

On May 3, 2010, City Council approved Resolution No. 10-3012 approving a CFF Deferral Program for residential development only. The proposed CFF Deferral Program provides Council the opportunity to encourage development by implementing a CFF Deferral Program for all development types including residential, commercial, warehousing, and industrial.

Staff recommends that City Council hold a public hearing and introduce an ordinance to amend Section 3.20.070 of the City of Lathrop Municipal Code and approved a CFF Deferral Program.

**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING****PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AMENDMENT OF LMC SECTION 3.20.070 AND APPROVE CAPITAL FACILITY FEE DEFERRAL PROGRAM****BACKGROUND:**

Deferring Capital Facility Fee (CFF) payments for residential, commercial, warehousing and industrial developments until occupancy is an effective way to promote development within the City of Lathrop. Development is benefitted by having the ability to pay CFFs at a time when the project is producing revenue. The deferral of specific CFFs that have no impact on City infrastructure until occupancy results in minimal burden on the City.

Section 66007 of the Government Code requires the City to defer CFFs for residential developments however, deferring CFFs for commercial, warehousing and industrial developments is optional.

Section 3.20.070 of the City of Lathrop Municipal Code allows for the deferral of CFFs for residential development but does not include commercial, warehousing and industrial. Staff proposes amendments to this section to eliminate the option for fee deferral from Section 3.20.070(A) in place of establishing a CFF Deferral Program by resolution, which will allow for more frequent updates to the Program to remain relevant with current laws and development needs.

On May 3, 2010, City Council approved Resolution No. 10-3012 approving a CFF Deferral Program for residential development only. The proposed CFF Deferral Program provides Council the opportunity to encourage development by implementing a CFF Deferral Program for all development types including residential, commercial, warehousing, and industrial.

In order to provide security for the City, the developer must agree that the City can place a lien on the property equal to the amount of the fees to be deferred. The CFFs will be deferred until the issuance of certificate of occupancy.

At the end of the deferral period, fees will be due at the rate in place at the time of payment. For example, CFF fees often adjust twice a year and are subject to cost of construction increases based on the 20 Cities Engineering News Record Index. Fees are also subject to adjustment due to unforeseen construction cost adjustment resulting from projects changing within the program to meet the requirements of the approving governmental agency such as Caltrans or Regional Water Quality Control Board. If the developer elects to defer until occupancy, the City of Lathrop must be the senior lien holder on the property. This deferral applies to all Capital Facilities Fee that are payable to the City of Lathrop which are not collected on behalf of other agencies. As such, the deferral does not pertain to:

- Capital Facility Fee for San Joaquin RTIF
- Any San Joaquin County fee including but not limited to habitat mitigation fee
- Any Fire District Fee
- Any School Fees

**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING****PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AMENDMENT OF LMC SECTION 3.20.070 AND APPROVE CAPITAL FACILITY FEE DEFERRAL PROGRAM**

- Any grading fees
- Any undergrounding fees
- All other building permit fees

Staff recommends that City Council approve a CFF Deferral Program with the following key elements:

1. The only fees subject to deferral pursuant to this CFF Deferral Program are Capital Facility Fees where the impact of the development is not recognized by the City infrastructure until occupancy. As an example, sewer can be deferred as sewer is not discharged to the City system until occupancy.
2. Fees that are collected on behalf of other agencies are not applicable for deferment.
3. Plan check and inspection fees and any other fee needed to pay for on-going services are not applicable for deferment.
4. In order to be eligible for this Program, the developer must complete and submit a fee deferral application and agree that the City can place a lien on the property equal to the amount of fees to be deferred.
5. Deferral of fees pursuant to this Resolution shall be acknowledged by an agreement or other writing executed by the City Manager or designee.
6. All of the following requirements must be satisfied prior to approval of a fee deferral:
  - a. Submittal to the City of a complete application;
  - b. Deposit of all non-deferral fees due on the project;
  - c. Provide recordable lien to secure the payment of those fees to be deferred pursuant to Item 3 above; and
  - d. Execution of an agreement pursuant to item 4 above.
7. Fees that are approved for deferral pursuant to this Resolution shall be due and payable for each individual lot within the project prior to or in conjunction with the issuance of certificate of occupancy.
8. The approval of a fee deferral pursuant to this Resolution for any development project shall not be transferable to another project regardless of whether the applicant is the same for both projects or whether the other project is also a qualified project.

**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING****PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AMENDMENT OF LMC SECTION 3.20.070 AND APPROVE CAPITAL FACILITY FEE DEFERRAL PROGRAM**

9. The application for fee deferral may be submitted concurrently with or in advance of any application for building permits for the subject property, and shall be accompanied by a recordable lien against the property and application fees required. In no event, however, shall a building permit be issued until either of the following occurs:
  - a. Payment of all applicable fees due; or
  - b. Execution of a Fee Deferral agreement pursuant to Item 4 above.
10. For all projects which have been approved for a deferral of fees pursuant to this Resolution, no interest shall accrue on deferral fees during the period of deferral. However, in the event fees are not paid at the time required by this Resolution, interest at an annual rate of 10% computed on the unpaid amount from the date of execution of the deferral agreement to time of payment, shall be due and payable.
11. Deferred fees shall be paid at the rate or rates applicable at the time of payment.
12. A fee for payment at time of application for the purpose of funding the costs of administering the fee deferral program is established by this Resolution at the amount of \$250.
13. All costs of recordation of documents required pursuant to this Resolution shall be paid by the applicant at the time of execution of any Fee Deferral agreement.
14. This Resolution is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty to care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.
15. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provision or application of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. This City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.



**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING****PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AMENDMENT OF LMC SECTION 3.20.070 AND APPROVE CAPITAL FACILITY FEE DEFERRAL PROGRAM****REASON FOR RECOMMENDATION:**

Staff recommends approval of the Capital Facility Fee Deferral Program as a way to encourage and promote the construction of residential, commercial, warehousing and industrial developments within the City of Lathrop.

**FISCAL IMPACT:**

Deferring these fees for a period of time, while delaying the timing of some of the infrastructure construction, will not have a major adverse impact on the City's CFF program. The deferred fees will be secured by a lien on the property.

**ATTACHMENTS:**

- A. An Ordinance of the City Council of the City of Lathrop Amending Lathrop Municipal Code Section 3.20.070(A), Amount to Be Paid and Timing of Payment, of the Lathrop Municipal Code to Eliminate the Allowance of Capital Facility Fee Deferral for Residential Developments in Place of a Program by Resolution
- B. Resolution Approving a Capital Facility Fee Deferral Program

**CITY MANAGER'S REPORT**

**PAGE 6**

**FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING**

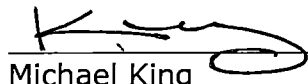
**PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AMENDMENT OF LMC  
SECTION 3.20.070 AND APPROVE CAPITAL FACILITY FEE DEFERRAL  
PROGRAM**

**APPROVALS:**

  
\_\_\_\_\_  
Brad Taylor


Associate Engineer

1/29/2020  
Date

  
\_\_\_\_\_  
Michael King


Director of Public Works

1-29-20  
Date

  
\_\_\_\_\_  
Glenn Gebhardt

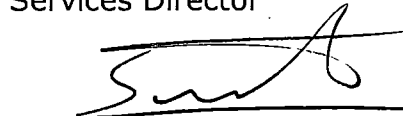
City Engineer

1-29-20  
Date

  
\_\_\_\_\_  
Cari James

Finance & Administrative  
Services Director

1/29/20  
Date

  
\_\_\_\_\_  
Salvador Navarrete

City Attorney

1-29-20  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore

City Manager

1-30-20  
Date

## ORDINANCE NO.

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING LATHROP MUNICIPAL CODE SECTION 3.20.070(A), AMOUNT TO BE PAID AND TIMING OF PAYMENT, OF THE LATHROP MUNICIPAL CODE TO ELIMINATE THE ALLOWANCE OF CAPITAL FACILITY FEE DEFERRAL FOR RESIDENTIAL DEVELOPMENTS IN PLACE OF A PROGRAM BY RESOLUTION**

**WHEREAS**, Section 3.20.070 of the City of Lathrop Municipal Code allows for the deferral of CFFs for residential development only; and

**WHEREAS**, establishing a CFF Deferral Program by resolution rather than ordinance allows for more frequent updates to the Program to remain relevant with current laws and development needs; and

**WHEREAS**, staff proposes amendments to this section to eliminate the option for fee deferral from Section 3.20.070(A) in place of establishing a CFF Deferral Program by resolution.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:**

#### Section 1.

Note: additions are shown below in underline font, deletions are shown in strikeout font.

### **Chapter 3.20 CAPITAL FACILITIES FEE**

#### **3.20.070 Amount to be paid and timing of payment.**

A. The fee to be paid for each lot within a development project shall be the amount of the fee in effect, pursuant to implementing resolution, at the time that full payment is made to the city. The fee for each lot within a development project shall be paid in full prior to the issuance of any building permit unless deferred by resolution. ~~except in the case of residential development, and in that instance the fee shall be paid no later than the time of final inspection or the date of issuance of the certificate of occupancy, whichever occurs first.~~

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the City.

Section 5. Publication. The City Clerk shall certify to the adoption of this ordinance and shall publish a summary thereof and post a certified copy of the full ordinance in the office of the City Clerk at least ten days prior to the adoption of the proposed ordinance; and within fifteen days after adoption, the City Clerk shall publish a summary of the ordinance with the names of the members of the City of Lathrop City Council voting for and against the same.

**THIS ORDINANCE** was regularly introduced at a regular meeting of the City Council of the City of Lathrop on the **10<sup>th</sup> day of February 2020**, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the \_\_\_\_ day of \_\_\_\_\_ 2020, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

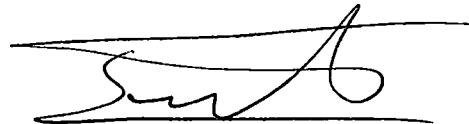
ABSENT:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
  
Salvador Navarrete, City Attorney

## **RESOLUTION NO. 20-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING A CAPITAL FACILITY FEE DEFERRAL PROGRAM**

**WHEREAS**, deferring Capital Facility Fee (CFF) payments for residential, commercial, warehousing and industrial developments until occupancy is an effective way to promote development within the City of Lathrop; and

**WHEREAS**, Section 66007 of the Government Code requires the City to defer CFFs for residential developments however, deferring CFFs for commercial, warehousing and industrial developments is optional; and

**WHEREAS**, Section 3.20.070 of the City of Lathrop Municipal Code allows for the deferral of CFFs for residential development but does not include commercial, warehousing and industrial. Staff proposes amendments to this section to eliminate the option for fee deferral from Section 3.20.070(A) in place of establishing a CFF Deferral Program by resolution, which will allow for more frequent updates to the Program to remain relevant with current laws and development needs; and

**WHEREAS**, On May 3, 2010, City Council approved Resolution No. 10-3012 approving a CFF Deferral Program for residential development only. The proposed CFF Deferral Program provides Council the opportunity to encourage development by implementing a CFF Deferral Program for all development types including residential, commercial, warehousing, and industrial; and

**WHEREAS**, in order to provide security for the City, the developer must agree that the City can place a lien on the property equal to the amount of the fees to be deferred. The CFFs will be deferred until the issuance of certificate of occupancy; and

**WHEREAS**, at the end of the deferral period, fees will be due at the rate in place at the time of payment. For example, CFF fees often adjust twice a year and are subject to cost of construction increases based on the 20 Cities Engineering News Record Index. Fees are also subject to adjustment due to unforeseen construction cost adjustment resulting from projects changing within the program to meet the requirements of the approving governmental agency such as Caltrans or Regional Water Quality Control Board; and

**WHEREAS**, this deferral applies to all Capital Facilities Fee that are payable to the City of Lathrop which are not collected on behalf of other agencies. As such the deferral does not pertain to:

- Capital Facility Fee for San Joaquin RTIF
- Any San Joaquin County fee including but not limited to habitat mitigation fee
- Any Fire District Fee
- Any School Fees
- Any grading fees

- Any undergrounding fees
- All other building permit fees; and

**WHEREAS,** staff recommends that City Council approve a CFF Deferral Program as follows:

1. The only fees subject to deferral pursuant to this CFF Deferral Program are Capital Facility Fees where the impact of the development is not recognized by the City infrastructure until occupancy. As an example, sewer can be deferred as sewer is not discharged to the City system until occupancy.
2. Fees that are collected on behalf of other agencies are not applicable for deferment.
3. Plan check and inspection fees and any other fee needed to pay for on-going services are not applicable for deferment.
4. In order to be eligible for this Program, the developer must complete and submit a fee deferral application and agree that the City can place a lien on the property equal to the amount of fees to be deferred.
5. Deferral of fees pursuant to this Resolution shall be acknowledged by an agreement or other writing executed by the City Manager or designee.
6. All of the following requirements must be satisfied prior to approval of a fee deferral:
  - a. Submittal to the City of a complete application;
  - b. Deposit of all non-deferral fees due on the project;
  - c. Provide recordable lien to secure the payment of those fees to be deferred pursuant to Item 3 above; and
  - d. Execution of an agreement pursuant to item 4 above.
7. Fees that are approved for deferral pursuant to this Resolution shall be due and payable for each individual lot within the project prior to or in conjunction with the issuance of certificate of occupancy.
8. The approval of a fee deferral pursuant to this Resolution for any development project shall not be transferable to another project regardless of whether the applicant is the same for both projects or whether the other project is also a qualified project.
9. The application for fee deferral may be submitted concurrently with or in advance of any application for building permits for the subject property, and shall be accompanied by a recordable lien against the property and application fees required. In no event, however, shall a building permit be issued until either of the following occurs:
  - a. Payment of all applicable fees due; or
  - b. Execution of a Fee Deferral agreement pursuant to Item 4 above.

10. For all projects which have been approved for a deferral of fees pursuant to this Resolution, no interest shall accrue on deferral fees during the period of deferral. However, in the event fees are not paid at the time required by this Resolution, interest at an annual rate of 10% computed on the unpaid amount from the date of execution of the deferral agreement to time of payment, shall be due and payable.
11. Deferred fees shall be paid at the rate or rates applicable at the time of payment.
12. A fee for payment at time of application for the purpose of funding the costs of administering the fee deferral program is established by this Resolution at the amount of \$250.
13. All costs of recordation of documents required pursuant to this Resolution shall be paid by the applicant at the time of execution of any Fee Deferral agreement.
14. This Resolution is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty to care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.
15. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provision or application of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. This City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**NOW, THEREFORE, BE IT RESOLVED,** the City Council of the City of Lathrop does hereby approve the proposed Capital Facility Fee Deferral Program.



The foregoing resolution was passed and adopted this 10<sup>th</sup> day of February 2020, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:


ABSENT:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

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## ITEM 6.1

### CITY MANAGER'S REPORT FEBRUARY 10, 2020 CITY COUNCIL REGULAR MEETING

**ITEM:** **MAYOR'S REFERRAL**

**RECOMMENDATION:** **Appointment of One (1) Member to the Measure C Oversight Committee with Term Expiring June 30, 2022**

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#### **MEASURE C OVERSIGHT COMMITTEE – LMC CHAPTER 3.13.180**

The commission currently has one (1) available vacancy with term of July 1 2019 through June 30 2022; one (1) application was received.

<b>Existing Commissioner(s)</b>	<b>Date of Appointment</b>	<b>Reappointment Date</b>	<b>Term Expiration Date</b>
Jim Hilson (Termed out at end of term)	12/15/14	7/18/16	6/30/19

#### **APPLICANTS FOR CONSIDERATION:**

1. Jeremy Aguilar



## COMMISSION/COMMITTEE APPLICATION

Applying for: Measure C Oversight Committee

### Special Requirements:

*Youth Advisory Commission:* Must be a Lathrop resident between 13 to 18 years of age to serve on this commission

*Senior Advisory Commission:* Must be 50 years of age or over and a registered voter to serve on this commission.

*Planning and Parks & Recreation Commissions:* Must be a Lathrop resident and a registered voter to serve on this commission.

**RECEIVED**

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

JUL 09 2019

Name: Jeremy Aguilar

**CITY CLERK**

Address: [REDACTED]

City: Lathrop

Zip: 95330

Telephone (home) [REDACTED]

Telephone (work) [REDACTED]

Telephone (cell) [REDACTED]

Telephone (other) [REDACTED]

Email: [REDACTED]

Resident of the City of Lathrop: 2 years

Do you have Transportation to attend the Commission meetings and Functions? Yes ☒ No ☐

### Background Information:

Are you related to a current City Employee? NO

If yes, give name and relationship - NA -

### Employment/Volunteer Information:

San Joaquin County Office of Emergency Services May/2019  
Organization Date

2101 E. Eschert Stockton, CA  
Location

Emergency Planner  
Position(s)

Responsibilities/accomplishments: Emergency Planner / Logistics Chief

Merrill Lynch  
Organization

December/2017 - Mar 2019  
Date

801 10th Street Modesto, CA  
Location

Financial Planner  
Position(s)

Responsibilities/accomplishments: Portfolio Manager, Public Outreach  
Financial Educational Seminars

Community Activities that you have been involved with (feel free to attach additional pages)

Veterans of Foreign Wars / Junior Vice Commander May / 2019  
Name of Organization Position/Responsibilities Dates

Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: Was nominated as Junior Vice Commander. Chair of Eagle Scout award commission, chair of VFW high school scholarship award.

Educational Information:

University of the Pacific BS / Business Administration 2017  
Educational Institution Degree/Diploma Field Year

Educational Institution Degree/Diploma Field Year

Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

- Retired 21 years of military service.
- Involved with consumer staples area of student investment fund for the University of the Pacific.
- Provided financial education seminars for business owners.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

  
Signature

9 Jul, 2019  
Date

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk  
City of Lathrop  
390 Towne Centre Drive  
Lathrop, CA 95330

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